## CHAPTER 5—Proceedings in Civil Cases

NOTE: Rules specifically relating to contempt proceedings are located in UTCR Chapter 19.

### 5.010 CONFERRING ON MOTIONS UNDER ORCP 21, 23 and 36-46

(1) The court will deny any motion made pursuant to ORCP 21 and 23, except a motion to dismiss: (a) for failure to state a claim; or, (b) for lack of jurisdiction, unless the moving party, before filing the motion, makes a good faith effort to confer with the other party(ies) concerning the issues in dispute.

(2) The court will deny any motion made pursuant to ORCP 36 through 46, unless the moving party, before filing the motion, makes a good faith effort to confer with the other parties concerning the issues in dispute.

(3) The moving party must file a certificate of compliance with the rule at the same time the motion is filed. The certificate will be sufficient if it states either that the parties conferred or contains facts showing good cause for not conferring.

(4) Upon certification that a motion is unopposed, it may be submitted *ex parte*.

### 5.020 AUTHORITIES IN MOTIONS AND OTHER REQUIREMENTS

(1) Every motion document must include a memorandum of law or a statement of authority explaining how any relevant authorities support the contentions of the moving party.

(2) If a pleading is moved against in more than two particulars under ORCP 21 D or E, there must be attached to the motion a copy of the pages of the pleading moved against with the parts of the pleading to be stricken shown in parentheses and the parts to be made more definite and certain underlined.

### 5.030 OPPOSING PARTY'S RESPONSE; TIME FOR FILING RESPONSE AND REPLY

In matters other than motions for summary judgment:

(1) An opposing party may file a written memorandum of authorities in response to the matters raised in any motion not later than 14 days from the date of service of the motion.

(2) A reply memorandum, if any, must be filed within 7 days of the service of the responding memorandum.

### 5.040 MOTIONS TO BE DETERMINED BY THE PRESIDING JUDGE OR DESIGNEE

The presiding judge or designee shall hear and determine all motions.

## 5.050 ORAL ARGUMENT ON MOTIONS IN CIVIL CASES; APPEARANCE AT NONEVIDENTIARY HEARINGS AND MOTIONS BY TELECOMMUNICATION

(1) There must be oral argument if requested by the moving party in the caption of the motion or by a responding party in the caption of a response. The first paragraph of the motion or response must include an estimate of the time required for argument and a statement whether official court reporting services are requested.

(2) A party may request that a nonevidentiary hearing or a motion not requiring testimony be heard by telecommunication.

(a) A request for a nonevidentiary hearing or oral argument by telecommunication must be in the caption of the pleading, motion, response, or other initiating document.

(b) If appearance or argument by telecommunication is requested, the first paragraph of the pleading, motion, response, or other initiating document must include the names and telephone numbers of all parties served with the request. The request must be granted.

(c) The first party requesting telecommunication must initiate the conference call at its expense unless the court directs otherwise.

(3) "Telecommunication" must be by telephone or other electronic device that permits all participants to hear and speak with each other and permits official court reporting when requested. When recording is requested, telecommunications hearings must be recorded by the court if suitable equipment is available; otherwise, it will be provided at the expense of the party requesting recording.

## 5.060 STIPULATED AND *EX PARTE* MATTERS

(1) A judicial district may adopt a local rule regarding specific stipulated or *ex parte* matters for which the documents must be presented conventionally as defined in UTCR 21.010 and may not be electronically filed. SLR 2.501 is reserved for judicial districts to adopt a local rule for that purpose.

(2) Any stipulated or *ex parte* matter that may be presented conventionally may be delivered by mail or messenger to the trial court administrator for distribution to a judge for signature. An *ex parte* default, a stipulated order, or a stipulated judgment that may be presented conventionally also may be personally presented to a judge by the attorney or the attorney's agent. Other types of *ex parte* matters personally presented to a judge must be presented by the attorney.

(3) A motion for an *ex parte* order must contain the term "*ex parte*" in the caption and must be accompanied by a proposed order.

(4) *Ex parte* matters that are presented conventionally shall be presented anytime during court hours, except as modified by SLR promulgated pursuant to UTCR 1.050. Until such local rules are adopted, stipulated and *ex parte* matters may be personally presented anytime during court hours.

## 5.070 MOTION FOR LEAVE TO AMEND PLEADING

(1) Except as provided in section (2) of this rule, whenever a motion for leave to amend a pleading, including a motion to amend to assert a claim for punitive damages, is submitted to the court, it must include, as an exhibit attached to the motion, the entire text of the proposed amended pleading. The text of the pleading must be formatted in the following manner:

(a) Any material to be added to the pleading must be underlined and in bold with braces at each end.

(b) Any material to be deleted from the pleading must be italicized with brackets at each end.

(2) If the motion to amend is for a pleading that was composed using preprinted forms that have been completed by filling in the blanks, the moving party may comply with this rule by making a copy of the filed pleading and formatting the text of the pleading in the following manner:

(a) Any material to be added to the pleading must be interlineated and underlined with braces at each end.

(b) Any material to be deleted from the pleading must have brackets at each end.

## 5.080 STATEMENT FOR ATTORNEY FEES, COSTS, AND DISBURSEMENTS

In civil cases, the statement for attorney fees, costs, and disbursements must be filed in substantially the form set forth in Form 5.080 in the UTCR Appendix of Forms.

## 5.090 NOTICE TO COURT IN WATER RIGHTS CASES; NOTICE TO COURT IN CASES SUBJECT TO SECTIONS 7, 13, 21 and 23, CHAPTER 5 OREGON LAWS 2013, REGARDING COMMENCING AN ACTION AGAINST A HEALTH CARE PROVIDER OR A HEALTH CARE FACILITY

(1) Notice to Court in Water Rights Cases

If at any time during a case a party asserts a disputed water right, the party must give notice to the court that the case involves water rights. If not stated in the caption of the original complaint that begins the court case, the notice shall be in the following form:

(a) Be filed as a separate document.

(b) Include the caption of the case and the case number.

(c) Include a statement that the case involves water rights.

(d) Be signed by the attorney or party.

(2) Notice to court in cases subject to sections 7, 13, 21 and 23, chapter 5 Oregon Laws 2013, Regarding Actions Against A Health Care Provider Or A Health Care Facility.

A party must place the following in the title of a pleading in the case if the pleading contains a claim which creates a duty upon the court to provide notice to the parties under

sections 7, 13, 21, and 23, chapter 5 Oregon Laws 2013 (including any claim, counterclaim, cross claim, or third-party claim): "ADVERSE HEALTH CARE INCIDENT SUBJECT TO COURT NOTICE". This language must not be in the title of a pleading for any other purpose. A party's signature on pleadings constitutes the party's certificate under ORCP 17 that the pleading contains a claim which requires notice by the court under section 7, chapter 5 Oregon Laws 2013 if the language is present and does not contain any such claim if the language is omitted.

## 5.100 SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS

(1) Except as provided in subsection (3) of this rule, any proposed judgment or proposed order submitted to the court for signature must be:

(a) Served on each counsel not less than 3 days prior to submission to the court, or

(b) Accompanied by a stipulation by each counsel that no objection exists as to the judgment or order, or

(c) Served on a self-represented party not less than 7 days prior to submission to the court and be accompanied by notice of the time period to object.

(2) Except as provided in subsection (4) of this rule, any proposed judgment or order submitted to the court must include, following the space for judicial signature, a dated and signed certificate that describes:

(a) The manner of compliance with any applicable service requirement under this rule; and

(b) The reason that the submission is ready for judicial signature or otherwise states that any objection is ready for resolution, identifying the reason in substantially the following form:

"This proposed order or judgment is ready for judicial signature because:
"1. [ ] Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
"2. [ ] Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
"3. [ ] I have served a copy of this order or judgment on each party entitled to service and:
"a. [ ] No objection has been served on me.
"b. [ ] I received objections that I could not resolve with a 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, [role and name of objecting 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.
"5. [ ] This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of this rule.
"6. [ ] Other: ____________________________________________."

(3) The requirements of subsection (1) of this rule do not apply to:

(a) A proposed order or judgment presented in open court with the parties present;

(b) A proposed order or judgment for which service is not required by statute, rule, or otherwise;

(c) A proposed judgment subject to UTCR 10.090;

(d) An uncontested probate or protective proceeding, or a petition for appointment of a temporary fiduciary under ORS 125.605(2); and

(e) Matters certified to the court under ORS 416.422, ORS 416.430, ORS 416.435, and ORS 416.448, unless the proposed order or judgment is ready for judicial signature without hearing.

(4) The requirements of subsection (2) of this rule do not apply to a proposed order or judgment presented and signed in open court with the parties present.

(5) Any proposed judgment containing an award of punitive damages shall be served on the Director of the Crime Victims' Assistance Section, Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301, not less than 3 days prior to submission to the court.

(6) The certificate required under subsection (2) may be combined with any certificate of service required by another statute or rule.

REPORTER'S NOTE (08/01/2016): This rule does not apply in the following types of cases: criminal; contempt cases seeking punitive sanctions; juvenile under ORS chapter 419A, 419B, or 419C; or violations, parking violations, or small claims (see UTCR 1.010(3)). Nothing in this rule prohibits a court from adopting an SLR that applies this rule to matters under SLR chapters other than chapter 5.

Pursuant to UTCR 1.130, computation of Uniform Trial Court Rule time requirements is subject to ORCP 10.

## 5.110 CLASS ACTIONS

Rules relating to class actions may be found at Oregon Rule of Civil Procedure 32 and Oregon Rule of Appellate Procedure 12.15.

## 5.120 NOTICE TO THE DEPARTMENT OF JUSTICE, CRIME VICTIMS' ASSISTANCE SECTION, OF PUNITIVE DAMAGES

(1) The notices required by ORS 31.735(3), concerning verdicts and judgments that include punitive damages, shall substantially be in the form specified in Form 5.120.1 in the UTCR Appendix of Forms.

(2) The prevailing party shall promptly file with the court a copy of each notice and the proof of service.

## 5.130 INTERSTATE DEPOSITION INSTRUMENTS—OBTAINING AN OREGON COMMISSION

(1) A party shall request a commission pursuant to ORCP 38 to permit a deposition to be taken in a foreign jurisdiction for an action pending in an Oregon circuit court by presenting a motion, affidavit, and form of order at *ex parte*. (See Form 5.130.1a in the UTCR Appendix of Forms.) If the motion is allowed, the party shall file the motion, affidavit, and signed order with the trial court administrator in the pending civil action. When the order granting the commission is filed, the trial court administrator or the trial court administrator's designee shall issue the commission (see Form 5.130.1b in the UTCR Appendix of Forms).

(2) Unless otherwise requested by the party in its motion and ordered by the court, the commission shall be effective for 28 days from the date of issue.

(3) The commission may also serve to authorize the issuance of Subpoenas *Duces Tecum* in a foreign jurisdiction.

## 5.140 OREGON DISCOVERY IN FOREIGN PROCEEDINGS

(1) To obtain discovery in the State of Oregon for a proceeding pending in another state pursuant to Oregon Rule of Civil Procedure (ORCP) 38 C, a party must submit to the court all of the following:

(a) The foreign subpoena.

(b) An original and two copies of a fully completed subpoena that

(i) Complies with the requirements of the ORCP, including ORCP 55; and

(ii) Contains the names, addresses, email addresses, and telephone numbers of all attorneys of record and self-represented parties in the foreign proceeding.

(c) A declaration and request for issuance of a subpoena pursuant to ORCP 38 C, substantially in the form specified in Form 5.140.1c in the UTCR Appendix of Forms, stating that

(i) The foreign subpoena was issued by a court of record of a state as "state" is defined in ORCP 38 C(1)(b);

(ii) The fully completed subpoena complies with the requirements of the ORCP, including ORCP 55; and

(iii) The fully completed subpoena contains the names, addresses, email addresses, and telephone numbers of all attorneys of record and self-represented parties in the foreign proceeding.

(2) To obtain discovery in the State of Oregon for a proceeding pending in a foreign jurisdiction not subject to ORCP 38 C, a party must file a writ, mandate, commission, letter rogatory, or order executed by the appropriate authority in the foreign jurisdiction with a circuit court of this state. The party in the foreign proceeding or an active member in good standing of the Oregon State Bar must present in person at *ex parte* the original document or a certified copy from the foreign jurisdiction, a petition, and an order to register the document. (See Form 5.140.2 in the UTCR Appendix of Forms.) If approved by the court,

the matter will be assigned a circuit court case number and appropriate process may be issued by the Oregon attorney.

(3) In the event that a foreign jurisdiction not subject to ORCP 38 C has no procedure to issue a writ, mandate, commission, letter rogatory, or order to authorize a deposition to be taken in Oregon, at *ex parte* the party must present a petition to compel the witnesses to appear and testify. The petition must be supported by an affidavit that contains all of the following:

(a) The name of the foreign jurisdiction in which the proceeding is pending.

(b) The name of the court in which the proceeding is pending.

(c) The caption or other relevant title of the proceeding.

(d) The case number assigned by the foreign jurisdiction to the proceeding.

(e) The date of filing of the proceeding in the foreign jurisdiction.

(f) A statement that the foreign jurisdiction has no process to issue a writ, mandate, commission, letter rogatory, or order to compel a witness to appear and give testimony if the witness is located outside its jurisdictional boundary.

(g) A statement that the affiant seeks authorization from the court to proceed upon notice or agreement to take the testimony of witnesses in this state.

(h) The identity of witnesses in this state to be compelled upon notice or agreement to appear and testify.

## 5.150 EXPEDITED CIVIL JURY CASES

(1) A civil case eligible for jury trial may be designated as an expedited case. The availability of the designation may vary by judicial district and is dependent on the availability of staff, judges, and courtrooms. A party seeking the designation must confer with the court to determine whether the designation is available. If it is available, a party seeking the designation must do all of the following:

(a) Obtain the agreement of all other parties to designate the case as an expedited civil jury case.

(b) Submit a joint motion and an order to the presiding judge in substantially the form of UTCR Forms 5.150.1a and 5.150.1b.

(2) The decision to accept or reject a case for designation as an expedited case is within the sole discretion of the presiding judge or designee. The judge will consider the request on an expedited basis, when possible, and enter an order granting or denying the motion. If the judge grants the motion and designates the case as an expedited case, the judge will:

(a) Exempt or remove the case from mandatory arbitration, pursuant to ORS 36.405(2)(a) and (b), and from all court rules requiring mediation, arbitration, and other forms of alternative dispute resolution.

(b) Set a trial date certain no later than four months from the date of the order with a pretrial conference to be set no later than 14 days before trial.

(3) The parties in an expedited case may file a written agreement with the court, in substantially the form of UTCR Form 5.150.1a, section 4, stating all of the following:

(a) The scope, nature, and timing of discovery.

(b) The date by which discovery will be complete, which must be not later than 21 days before trial.

(c) Stipulations regarding the conduct of the trial, which may include stipulations for the admission of exhibits and the manner of submission of expert testimony.

(4) If the parties in an expedited case do not file a discovery agreement pursuant to subsection (3) of this rule, then each party must do all of the following:

(a) Provide to all other parties within four weeks of the expedited case designation:

(i) The names and, if known, addresses and telephone numbers of all persons, other than expert witnesses, likely to have knowledge that the party may use to support its claims or defenses, unless the use would be solely for impeachment.

(ii) A copy of all unprivileged ORCP 43 A(1) documents and tangible things that the party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

(iii) A copy of all insurance agreements and policies discoverable pursuant to ORCP 36 B(2).

(b) Take no more than two depositions after a party has requested an expedited case designation.

(c) Serve no more than one set of requests for production after a party has requested an expedited case designation.

(d) Serve no more than one set of requests for admission after a party has requested an expedited case designation.

(e) Serve all discovery requests no later than 60 days before the trial date.

(f) Complete all discovery no later than 21 days before trial.

(5) After an order designating the case as an expedited case, a party shall not file a pretrial motion without prior leave of the court.

(6) A party's failure to request or respond to discovery is not a basis for that party to seek postponement of the expedited case trial date.

## 5.160 SEALED DOCUMENTS

(1) A party seeking an order to file documents or materials under seal must file a motion with the court that specifies all of the following:

(a) The statutory authority for sealing the documents or materials.

(b) The reasons for protecting the documents or materials from public inspection.

(c) A description of the documents or materials to be sealed.

(2) At the direction of the judge hearing the motion, the moving party must submit the documents to the court for *in camera* review.

(3) The court's order on the motion may include directions to the clerk's office to do one of the following:

(a) File the documents or materials, unsealed, in the court file.

(b) File the documents or materials under seal in the court file.

(c) Return the documents, unfiled, to the moving party.

(4) When documents or materials are filed under seal, the filing party must present the clerk with a copy of the signed court order and submit the documents or materials in a sealed envelope marked "SEALED DOCUMENTS OR MATERIALS" and with a notation that identifies the case caption and the party making the submission. In addition, all documents ordered to be filed under seal must have the words "FILED UNDER SEAL BY COURT ORDER" located directly below the document title.

## 5.170 LIMITED SCOPE REPRESENTATION

(1) Applicability

This rule applies to limited scope representation in civil cases subject to this chapter, when an attorney intends to appear in court on behalf of a party.

(2) Notice of Limited Scope Representation

When an attorney intends to appear in court on behalf of a party, the attorney shall file and serve, as soon as practicable, a Notice of Limited Scope Representation in substantially the form as set out on the Oregon Judicial Department website (http://www.courts.oregon.gov/forms/Pages/default.aspx).

(3) Termination of Limited Scope Representation

When the attorney has completed all services within the scope of the Notice of Limited Scope Representation, the attorney shall file and serve a Notice of Termination of Limited Scope Representation in substantially the form as set out on the Oregon Judicial Department website (http://www.courts.oregon.gov/forms/Pages/default.aspx), in accordance with UTCR 3.140.

(4) Service of Documents

After an attorney files a Notice of Limited Scope Representation in accordance with this section, service of all documents shall be made upon the attorney and the party represented on a limited scope basis. The service requirement terminates as to the attorney when a Notice of Termination of Limited Scope Representation is filed and served, or when an attorney withdraws.

## CHAPTER 6—Trials

### 6.010 CONFERENCES IN CIVIL PROCEEDINGS

(1) In any civil proceeding the court may, in its discretion, direct the parties to appear before the court for a conference to consider:

(a) The simplification of the issues;

(b) The necessity or desirability of amendments to the pleadings;

(c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof or delay;

(d) The limitation of the number of expert witnesses;

(e) The advisability of a preliminary reference of issues to a master for findings to be used as evidence when the trial is to be by jury;

(f) A reference in whole or in part;

(g) The possible settlement of the case; and

(h) Such other matters as may aid in the disposition of the action.

(2) All conferences may be by personal appearance except that any party may apply, or the court may arrange for, a conference by telecommunication.

1991 Commentary:

Settlement conferences are required as provided by each court by its SLR 6.012 and under UTCR 6.200.

### 6.020 COURT NOTIFICATION ON SETTLEMENT OR CHANGE OF PLEA

(1) In criminal cases, the parties must notify the court immediately of any decision that a case will be dismissed or a change of plea entered.

(2) In all other cases, the parties must immediately notify the court of a decision to settle, dismiss, or otherwise resolve a case. After receipt of the notice, a court may require the parties to put the decision on the record, give written notice to the parties that the case will be dismissed unless an appropriate judgment is tendered to the court within 28 days, or both.

(3) If parties to a civil action fail to notify the court of a settlement before 12:00 p.m. (noon) of the last judicial day preceding a jury trial, or if the case settles after 12:00 p.m. (noon) of such day, the court may assess on one or both parties the per diem fees and mileage costs of bringing in the jury panel for that particular trial.

## 6.030 POSTPONEMENT OF TRIAL

(1) A request to postpone a trial must be by motion.

(2) A motion to postpone a trial must be signed by the attorney of record and contain a certificate stating that counsel has advised the client of the request and must set forth:

(a) The date scheduled for trial;

(b) The reason for the requested postponement;

(c) The dates previously set for trial;

(d) The date of each previous postponement; and

(e) Whether any parties to the proceeding object to the requested postponement.

(3) If the motion to postpone is based upon a conflicting proceeding in another court, it must set forth, in addition to the information required by subsection (2) of this section:

(a) The name of the court in which the conflict exists;

(b) The date of the conflict;

(c) The date on which the other proceeding is to begin;

(d) The case number and the date of filing of the conflicting case;

(e) The date on which the conflicting case was set for trial; and

(f) The information required by UTCR 6.040(2).

(4) If a motion to postpone a civil trial is based upon stipulation of the parties:

(a) The new trial date must be within the time periods set forth in UTCR 7.020(5);

(b) The motion must be filed at least 28 days before the date then set for trial;

(c) The motion must be signed by the attorneys of record;

(d) The motion must contain a certificate stating that the attorneys have advised their clients of the stipulation and the clients agree to the postponement; and

(e) The motion must set forth the date scheduled for trial, the new trial date requested, and that the new date is available on the court's trial docket.

(5) The motion may be decided by a summary determination without a hearing.

(6) Motions to postpone are not subject to UTCR Chapter 5, except UTCR 5.040 and 5.060.

1993 Commentary:

The court has discretion to allow or deny any motion for postponement under ORCP 52 and this rule, but the Committee recommends that the court generally allow a motion under subsection (4) of this rule if the new trial date requested can be reasonably accommodated on the court's docket.

## 6.040 RESOLVING SCHEDULING CONFLICTS

(1) When a party is scheduled to appear in more than one court at the same time, and has been unable to obtain a postponement in one of the courts, the scheduling conflict will be resolved by the presiding judges of the affected courts on motion of the affected party in both courts.

(2) In resolving scheduling conflicts, the following must be considered:

   (a) Statutory preference;

   (b) The custodial status of a criminal defendant;

   (c) The filing date of the case;

   (d) The dates on which the courts sent notices of the trial date;

   (e) The relative complexity of the cases;

   (f) The availability of competent, prepared substitute counsel; and

   (g) The inconvenience to the parties, the witnesses or the court.

(3) If the scheduling conflict cannot be resolved by the affected presiding judges after consultation with each other, the conflict must be referred by them to the Chief Justice for summary resolution.

## 6.050 SUBMISSION OF TRIAL MEMORANDA AND TRIAL EXHIBITS

(1) A party must file any trial memorandum. The court also may require that a party submit a copy of the trial memo, in the manner and time that the court specifies.

(2) All trial memoranda must be served on the opposing party.

(3) Trial exhibits must be delivered or submitted as ordered by the assigned judge and not filed with the court.

## 6.060 PROPOSED JURY INSTRUCTIONS AND VERDICT FORMS

(1) A party must file any requested jury instruction or verdict form. The party must also submit a copy of the jury instructions and verdict forms to the trial judge in the manner and time specified by the judge.

(2) All requested jury instructions and verdict forms must be in writing and served on the opposing party.

(3) Requested instructions may include any Uniform Oregon Jury Instruction by reference only to its instruction number and title: such as “Instruction No. 70.04 - Lookout.” If the uniform instruction contains blanks or alternative choices, the appropriate material to complete the instruction must be supplied in the request.

(4) Requested jury instructions, including references to Uniform Oregon Jury Instructions, must be prepared as follows:

(a) Requested uniform instructions must be identified in accordance with UTCR 6.060(3).

(b) Instructions, including uniform instructions, must be numbered consecutively, beginning with the number “1” for the first requested instruction.

(c) Except for requested uniform instructions, not more than one proposed instruction must appear on each page.

(d) If any requested jury instruction requires more than one page to be set out, each of the pages must be numbered at the lower left-hand corner; the number must contain the consecutively assigned requested jury instruction number provided pursuant to subparagraph (b) of this paragraph, followed by a hyphen, followed by the consecutive number for each page.

(e) The designation of the party requesting the instruction must be typed on each page.

(f) Below each requested instruction must be a statement citing the statute, decision or other legal authority which supports the requested instruction.

(5) The court must inform the parties before argument of the instructions that it proposes to give.

(6) Proposed verdict forms and written interrogatories, if any, must be prepared without the name of the attorney or the name of the firm and must be submitted at commencement of trial and as otherwise allowed by the court.

## 6.070 JURY INSTRUCTIONS

No identifying information relating to the parties or any other extraneous material, including authorities, shall appear on submitted jury instructions.

## 6.080 MARKING EXHIBITS

(1) Before the commencement of the trial, parties must mark all exhibits in the following manner:

(a) Plaintiff’s exhibits must be marked consecutively from 1 through 99.

(b) Defendant’s exhibits must be marked consecutively from 101 through 199.

(c) On request, the court must assign additional blocks of numbers.

(d) In cases involving multiple parties or large numbers of exhibits, the parties shall agree on the assignment of the numbers. If the parties cannot reach agreement, or if for any reason the numbering system cannot accommodate the parties, then the court may direct the parties to use any other numbering system not inconsistent with the intent of this section.

(2) Upon request, the trial court administrator shall provide a party with appropriate stamps, labels or tags for exhibit marking.

(3) The parties must submit to the court at the time of trial a list of premarked exhibits.

(4) Exhibits not available at the commencement of trial, exhibits not reasonably anticipated to be used and exhibits intended for impeachment purposes need not be premarked.

(5) At the time of trial or hearing involving a covered offense, a party introducing an exhibit that contains biological evidence must provide the court in writing with the name, agency, mailing address, and telephone number for the custodian responsible for each exhibit that contains biological evidence. Counsel also must indicate whether the biological evidence was collected by the defense. For a trial, this information must be submitted with the list of premarked exhibits required under subsection (3) of this rule.

(6) For purposes of this rule, the following definitions apply:

(a) "Biological evidence" has the meaning given in ORS 133.705.

(b) "Covered offense" has the meaning given in ORS 133.705.

(c) "Custodian" has the meaning given in ORS 133.705.

<u>1988 Commentary</u>:

Subsection (4) cannot and does not change discovery rules as established for criminal cases by statute.

## 6.090 PEREMPTORY CHALLENGES IN CIVIL CASES

In civil trials, peremptory challenges must be taken in writing by secret ballot unless the parties stipulate to taking the challenges orally and the court agrees.

## 6.100 EXAMINATION OF WITNESSES

Except for good cause shown, no more than one attorney for each party shall examine a witness or present argument on an issue.

## 6.110 SPECIAL AND GENERAL FINDINGS IN SEPARATE DOCUMENT

Special or general findings or conclusions must be included in a document separate from the judgment.

## 6.120 DISPOSITION OF EXHIBITS

(1) Unless otherwise ordered or except as otherwise provided in ORS 133.707, all exhibits shall be returned to the custody of counsel for the submitting parties upon conclusion of the trial or hearing. Such counsel must sign an acknowledgment of receipt for the exhibits returned. Counsel to whom any exhibits have been returned must retain custody and control until final disposition of the case unless the exhibits are returned to the trial court pursuant to subsections (2) or (3) of this rule. Both documentary and nondocumentary exhibits submitted by parties not represented by counsel shall be retained by the trial court, subject to subsection (4) of this rule.

(2) Upon the filing of a notice of appeal by any party, the trial court administrator promptly shall notify all counsel that they are required to return all documentary exhibits in their custody to the trial court within 21 days of receipt of the trial court's request. All counsel are required to comply with the notice. The trial court promptly will transmit the documentary exhibits to the appellate court, when requested to do so by the appellate court, under ORAP 3.25.

(3) Upon request by an appellate court for transmission of nondocumentary exhibits, under ORAP 3.25, the trial court shall notify the party in whose custody the nondocumentary exhibits have been placed. The party must resubmit the designated exhibits to the custody of the trial court for transmittal to the appellate court.

(4) Exhibits not returned to the parties shall be processed as follows:

  (a) Such exhibits shall be retained by the trial court until the appeal period has elapsed and there is a final disposition of the case.

  (b) After final disposition of the case, a notice shall be sent to the parties of record that, unless they withdraw their respective exhibits within 30 days, the exhibits will be disposed of by the court.

(5) Nothing contained in this rule shall prevent parties to any matter before the court from seeking the release or return of exhibits before the times specified in this rule.

(6) Exhibits in the court's custody shall not be removed from the trial court administrator's control except by stipulation or by order of the court.

(7) For purposes of this rule, "documentary exhibits" include text documents, photos and maps, if not oversized, and audio and video tapes. An oversized document is one larger than standard letter size or legal size.

## 6.130 WAIVER OF JURY TRIAL IN CIVIL CASES

No waiver of trial by jury in civil cases in circuit court shall be deemed to have occurred unless the parties notify the court of such a waiver before 5:00 p.m. of the last judicial day before trial. Thereafter, a jury trial may not be waived without the consent of the court. Failure to timely notify the court of a waiver before the day of trial may result in an assessment by the judge on one or both of the parties for the per diem fee and mileage costs of bringing in the jury panel for that trial.

## 6.140 PROCEDURES FOR USE OF HAZARDOUS SUBSTANCE

(1) If a party intends to offer into evidence any hazardous substance at an evidentiary hearing or trial, the party must file a motion no later than 28 days prior to the hearing or trial seeking an order from the court regulating the handling, use and disposition of the hazardous substance.

(2) "Hazardous substance" in this rule is defined as any substance listed or hereafter added to the Department of Transportation Hazardous Substances List and the Oregon State Police List of Chemicals and Precursors for Methamphetamine Production and any other hazardous substance designated by SLR.

(3) The court, in its discretion, may issue an order concerning any of the following matters:

   (a) A jury view and/or photograph in lieu of transportation of the hazardous substance to the courthouse;

   (b) Appointment of a custodian;

   (c) Appointment of a disposition expert;

   (d) Appointment of a medical expert;

   (e) The amount to be transported or viewed;

   (f) The container in which the hazardous substance is to be stored;

   (g) The location and duration of handling and storage of the hazardous substance;

   (h) The disposition of the hazardous substance; and

   (i) Other matters intended by the court to safeguard the public and the evidentiary record.

(4) Failure to file a timely motion under subsection (1) of this rule may be grounds for excluding any hazardous substance from the courthouse.

<u>1989 Commentary</u>:

To prevent hardship or injustice, relief from application of this rule in an individual case may be sought under UTCR 1.100.

## 6.150 WEAPONS AND DANGEROUS INSTRUMENTS IN THE COURTROOM

If a party intends to offer into evidence any weapons or other hazardous materials at an evidentiary hearing or trial, before bringing the items into the courtroom, the party must:

(1) For weapons:

   (a) All firearms, BB guns, and pellet guns intended to be offered in evidence must be unloaded and either rendered inoperable or have a trigger guard installed.

(b) Guns and ammunition must be kept separate at all times.

(c) Knives, scissors, and any other sharp objects that could penetrate the skin must be sealed in puncture-proof containers, provided with secure and protective sheaths, or otherwise rendered harmless.

(2) For other hazardous materials:

(a) Hypodermic needles must be provided with covers over needle points and sealed in a transparent puncture-proof bag.

(b) An unbreakable, transparent tube that locks on one end must be provided for safe handling and viewing of chemicals, pharmaceuticals, and biological substances.

1990 Commentary:

The court should be mindful that the court may grant exception to the above for good cause shown under UTCR 1.100 and that the Committee intended that there be exceptions granted if any part of the rule would affect the mechanical operation when mechanical operation was an evidentiary issue.

## 6.160 CONTROLLED SUBSTANCES IN THE COURTROOM

(1) Unless otherwise ordered by the court, only a representative sample of controlled substances shall be brought into the courtroom to be presented as evidence. Such sample must have been placed in a see-through, heat-sealed container prior to coming into the custody of the court and must not be opened except by order of the court. The remainder may be presented by photograph, videotape, or may be available for viewing by the jury in some secure setting.

(2) At all times between the receipt of the controlled substances and the return of controlled substances to the submitting party under UTCR 6.120 or destruction or transmittal of the controlled substances to the appellate courts, the controlled substances shall be in the court's evidence locker in the custody and possession of a member of the court staff or in the custody of such appropriate law enforcement agency as the court orders.

## 6.170 JUROR HANDLING OF CONTROLLED, HAZARDOUS, OR INFECTIOUS SUBSTANCES AND CHEMICALS

Jurors must be advised if any controlled, hazardous, or infectious substances or chemicals to be handled in the jury room present a danger and must be provided instructions on safe handling, including providing protective devices, if necessary.

## 6.180 WEAPONS AND HAZARDOUS SUBSTANCES IN THE COURT FACILITIES

Unless otherwise ordered by the court, no person except a law enforcement officer shall possess in a court facility a firearm, knife, device, or hazardous substance capable of inflicting death or physical injury.

## 6.190 EVIDENCE SUBMITTED IN AN ELECTRONIC FORMAT

(1) Any exhibit or testimony to be presented to the court in an electronic format shall be compatible with the court's electronic equipment.

(2) Prior to trial or hearing, a party intending to offer electronic evidence must make sure it is in a format compatible with the court's equipment. A party is responsible for the cost, if any, incurred by the court as a result of the party's use of the court's electronic equipment or in repairing the court's electronic equipment as a result of a party's use of it.

(3) Parties may use their own equipment to present electronic evidence. However, parties using their own equipment may need to make their equipment available to the court, opposing parties, and the jury.

(4) It is a party's responsibility to provide any technical support needed in presenting the party's evidence and in making its evidence compatible with the court's electronic equipment or in using the party's own equipment.

## 6.200 PRETRIAL SETTLEMENT CONFERENCES

(1) Each judicial district may adopt an SLR 6.012, or an SLR in Chapter 12 if that chapter is dedicated to alternative dispute resolution, providing for a uniform pretrial settlement conference procedure for use in all circuit court civil cases, including dissolution of marriage and postjudgment modification proceedings. The SLR shall be designed to most effectively meet the needs of the judges, lawyers, and litigants in each district and to promote early pretrial settlements.

(2) Each SLR under this section, if adopted, should include the following provisions:

(a) 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 the SLR. However, the pretrial settlement conference will not be required if the opposing party demonstrates good cause why the settlement conference should not be held.

(b) Each party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation must personally appear at the pretrial settlement conference; however, the judge may permit telephone appearances for good cause.

(c) 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.

(d) The pretrial settlement conferences shall not delay the trial scheduling.

(3) Each SLR under this UTCR section, if adopted, should specify:

(a) Whether the settlement conference judge shall be permitted to act as trial judge if the case does not settle.

(b) Whether a pretrial statement or other document must be submitted to the judge prior to the pretrial settlement conference, when it should be submitted, and whether it should be confidential or nonconfidential.

(c) Whether and under what circumstances materials or notes prepared by the pretrial settlement judge may be placed in the trial court file in the event that the case does not settle.

(d) The methods for reporting settlement and removing the case from the active trial docket.

(e) Whether a trial-setting conference shall be held prior to the pretrial settlement conference.

(4) SLR 6.012 is reserved for SLR adopted under this UTCR section.

## CHAPTER 7—Case Management and Calendaring

7.010 PLEAS, NEGOTIATIONS, DISCOVERY AND TRIAL DATES IN CRIMINAL CASES

(1) At the time of arraignment, the court may either accept a not guilty plea and set a trial date or set a date for entry of a plea in accordance with subsection (2) of this section.

(2) Plea agreements, negotiations, discovery, and investigations must be concluded by a date as set by the court which is:

(a) For defendants in custody, not less than 21 days after arraignment but, in any event, not later than 21 days prior to the trial date; and

(b) For defendants who are not in custody, not less than 35 days after arraignment, but not later than the 35th day prior to the trial date.

(3) Not later than the date set pursuant to subsection (2), trial counsel must report the following:

(a) Whether a jury trial is requested;

(b) The probable length of trial;

(c) The need for a pretrial hearing; and

(d) Any other matter affecting the case.

(4) Relief from the dates set pursuant to subsection (2) of this rule shall be granted for good cause shown.

1988 Commentary:

Relief from application of the deadlines set by this rule is subject to UTCR 1.100, as are all UTCR provisions.

1990 Commentary:

As used in this section, arraignment means the initial appearance of the defendant in the court having jurisdiction to dispose of the case.

Relief from time set in this section is subject to UTCR 1.100, as are all UTCR provisions. The purpose of this rule, among others, is to give certainty in trial dockets. Therefore, the last date for entry of a plea will change with changes in trial dates.

Section 4.010 of UTCR should be read in conjunction with this section. In this regard, the parties may request that the court decide any legal issue, including motions to suppress, before plea negotiations are concluded. Nothing requires the court to allow that request.

7.020 SETTING TRIAL DATE IN CIVIL CASES

(1) After service is made, the serving party must forthwith file the return or acceptance of service with the trial court administrator.

(2) If no return or acceptance of service has been filed by the 63rd day after the filing of the complaint, written notice shall be given to the plaintiff that the case will be dismissed for want of prosecution 28 days from the date of mailing of the notice unless proof of service is filed within the time period, good cause to continue the case is shown to the court on motion supported by affidavit and accompanied by a proposed order, or the defendant has appeared.

(3) If proof of service has been filed and any defendant has not appeared by the 91st day from the filing of the complaint, the case shall be deemed not at issue and written notice shall be given to the plaintiff that the case will be dismissed against each nonappearing defendant for want of prosecution 28 days from the date of mailing of the notice unless one of the following occurs:

(a) An order of default has been filed and entry of judgment has been applied for.

(b) Good cause to continue the case is shown to the court on motion supported by affidavit and accompanied by a proposed order.

(c) The defendant has appeared.

(4) If all defendants have made an appearance, the case will be deemed at issue 91 days after the filing of the complaint or when the pleadings are complete, whichever is earlier.

(5) The trial date must be no later than one year from date of filing for civil cases or six months from the date of the filing of a third-party complaint under ORCP 22 C, whichever is later, unless good cause is shown to the presiding judge or designee.

(6) Parties have 14 days after the case is at issue or deemed at issue to:

(a) Agree among themselves and with the presiding judge or designee on a trial date within the time limit set forth above.

(b) Have a conference with the presiding judge or designee and set a trial date.

(7) If the parties do neither (a) nor (b) of (6) above, the calendar clerk will set the case for trial on a date that is convenient to the court.

1987 Commentary:

Nothing in this rule precludes a court from issuing its trial notices prior to 91 days after filing of the complaint.

1988 Commentary:

It is recognized that some cases may not be appropriate for trial setting "in the ordinary course" of the court's business. Special settings of trial dates in complex or other appropriate cases is permissible and may be initiated by any party or the court.

## 7.030 COMPLEX CASES

(1) Any party in a case may apply to the presiding judge to have the matter designated as a "complex case."

(2) The criteria used for designation as a “complex case” may include, but shall not be limited to, the following: the number of parties involved, the complexity of the legal issues, the expected extent and difficulty of discovery, and the anticipated length of trial.

(3) A presiding judge shall assign any matter designated as a “complex case” to a specific judge who shall thereafter have full or partial responsibility for the case as determined by the presiding judge.

(4) A “complex case” shall not be subject to the time limitation or trial setting procedures set forth in UTCR 7.020(5), (6) and (7); however, any such case will be set for trial as soon as practical, but in any event, within two years from the date of filing unless, for good cause shown, the trial date is extended by the assigned judge.

## 7.040 NOTIFY COURT OF SETTLEMENTS AND OTHER MATTERS

The parties shall report immediately to the court any resolution of any matter scheduled on the court’s docket.

## 7.050 EFFECT OF BANKRUPTCY PETITION

(1) Upon notice that proceedings in an action are subject to a federal bankruptcy stay, the court must stay the action until it is shown to the court’s satisfaction that the federal bankruptcy stay has been terminated or is not applicable to the action.

(2) Upon motion of any party, the court may sever a claim that continues to be subject to the federal bankruptcy stay or a claim as it applies to the bankruptcy debtor and proceed with the remainder of the action if:

(a) The action includes multiple claims or multiple parties; and

(b) It is shown to the court’s satisfaction that, as to one or more claims, the federal bankruptcy stay has been terminated or is not applicable.

(3) A court must not dismiss the action stayed under this rule solely because of the bankruptcy filing. Nothing in this rule limits a court’s ability to initiate the process to dismiss an action stayed under this rule for want of prosecution under ORCP 54 B(3) or as provided by statute. However, if a party to the action responds to the court notice concerning dismissal for want of prosecution by timely application to continue the action because bankruptcy proceedings are ongoing:

(a) The ongoing bankruptcy proceedings constitute good cause to continue the action for purposes of ORCP or statute; and

(b) The court must continue the action as a pending case.

(4) Time periods established by UTCR 7.020 or by SLR for proceeding with an action are not applicable during the stay to that action or part of an action stayed under this rule. For all or part of the action stayed under this rule, time periods held in abeyance under this subsection continue when the court proceeds and only as to that part of the action with which the court proceeds.

(5) Nothing in this section limits a court's ability to grant dismissal of an action stayed under this rule as provided under ORCP 54 A.

(6) References in this rule to federal bankruptcy stays are to a stay under provisions of 11 USC Sections 105, 362, 1201, or 1301. As provided under UTCR 1.010(3), this rule is applicable to all cases that may be subject to a federal bankruptcy stay, including small claims cases.

## 7.060 AMERICANS WITH DISABILITIES ACT (ADA) ACCOMMODATION

(1) If an accommodation under the ADA is needed for an individual in a court proceeding, the party needing accommodation for the individual must notify the court in the manner required by the court as soon as possible, but no later than four judicial days in advance of the proceeding. For good cause shown, the court may waive the four-day advance notice.

(2) Notification to the court must provide:

(a) The name of the person needing accommodation;

(b) The case number;

(c) Charges (if applicable);

(d) The nature of the proceeding;

(e) The person's status in the proceeding;

(f) The time, date, and estimated length of the proceeding;

(g) The type of disability needing accommodation; and

(h) The type of accommodation, interpreter, or auxiliary aid needed or preferred.

## 7.070 FOREIGN LANGUAGE INTERPRETERS

(1) If a foreign language interpreter is needed for a court proceeding, the party in need of an interpreter must notify the court in the manner required by the court as soon as possible, but no later than four judicial days in advance of the proceeding. For good cause shown, the court may waive the four-day advance notice.

(2) Notification to the court must include:

(a) The name of the person needing an interpreter;

(b) The case number;

(c) Charges (if applicable);

(d) The nature of the proceeding;

(e) The person's status in the proceeding;

(f) The time, date, and estimated length of the proceeding; and

(g) The language to be interpreted.

## 7.080 INTERPRETERS' REQUESTS FOR INFORMATION

If requested by a neutral court interpreter, parties in civil and criminal cases shall provide a list of specialized terminology expected to be used in the proceeding in which the interpreter will be providing services. The list shall be provided prior to the commencement of the proceeding. The list shall be kept confidential by the interpreter and is not discoverable.

## CHAPTER 8—Domestic Relations Proceedings

8.010 ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT

(1) Petitioners, when serving respondents, must attach to the petition a copy of the Notice to Parties of A Marriage Dissolution as required by ORS 107.092. Copies of the notice may be obtained from the trial court administrator's office or from the Oregon Judicial Department website.

(2) Unless otherwise ordered by the court, general judgments in all uncontested actions for annulment or dissolution of marriage or for separation shall be entered on the basis of the affidavit set forth in ORS 107.095(4) in lieu of a hearing on the merits.

(3) In all contested dissolution of marriage, separate maintenance or annulment actions, each party must file with the trial court administrator and serve on the other party a statement listing all marital and other assets and liabilities, the claimed value for each asset and liability and the proposed distribution of the assets and liabilities. In the alternative, the parties may elect to file with the trial court administrator a joint statement containing this information.

(4) In all proceedings under ORS chapter 107, 108, or 109 wherein child support or spousal support is contested, each party must file with the trial court administrator and serve on the other party a Uniform Support Declaration in the form specified at http://www.courts.oregon.gov/forms/Pages/default.aspx. A Uniform Support Declaration required by this subsection must be completed as follows:

(a) In all such cases, the parties must complete the declaration and required attachments.

(b) In all such cases, the parties must also complete the schedules and the attachments required by the schedules if:

(i) Spousal support is requested by either party, or

(ii) Child support is requested by either party in an amount that deviates from the uniform support guidelines.

(5) If the Division of Child Support (DCS) of the Department of Justice or a district attorney child support office (DA) either initiates or responds to a proceeding falling under section (4) of this rule, the DCS or DA must be allowed to file and serve, in lieu of the Uniform Support Declaration, an affidavit which sets out the following information:

(a) The name of the legal or physical custodian of the child(ren).

(b) The name and date of birth of each child for whom support services is being sought.

(c) A statement of the amount of public assistance being provided.

(d) A statement of the value of food stamp benefits being provided.

(e) A statement of whether medical insurance (Medicaid) is being provided.

(f) A statement of any other known income of the physical custodian.

(g) A statement concerning any special circumstances which might affect the determination of support.

(6) In the absence of an SLR to the contrary, the documents required to be filed under subsection (3) above must be filed and served not less than 14 days before the hearing on the merits unless both parties stipulate otherwise, but in any event before the beginning of trial. Subject to the requirements of UTCR 8.040 or UTCR 8.050, when applicable, and in the absence of an SLR to the contrary, the documents required to be filed under subsections (4) and (5) above must be filed and served within 30 days of service of a petition or other pleading that seeks child support or spousal support on other than a temporary basis.

(7) No judgment under this chapter shall be signed, filed or entered without the filing with the trial court administrator of all relevant documents, including all of the following:

(a) An affidavit of completed service.

(b) An affidavit of nonmilitary service and the proposed order of default, if the respondent is in default.

(c) The affidavit described in ORS 107.095(4) if the matter is uncontested.

(d) A completed Oregon State Health Division Record of Dissolution of Marriage form.

(e) If child support or spousal support is an issue, a Uniform Support Declaration for each party, except where that issue is resolved by stipulation or default. A Uniform Support Declaration required by this paragraph must be completed as provided under subsection (4) of this rule.

(f) If child support is an issue, the Division of Child Support (DCS) work sheets described under UTCR 8.060.

(g) A proposed judgment.

(8) Parties to proceedings under ORS 107.085 or 107.485 must follow UTCR 2.130 to segregate all Social Security numbers from documents the parties submit in the proceedings so the numbers will be protected as required by ORS 107.840.

## 8.020 SUPPORT ORDERS

(1) Every proposed order or judgment providing for the support of any person under ORS chapters 107, 108, 109, 110, 416 or 419A, 419B, or 419C, or modifying any order or judgment for support of any person under those chapters, must set forth the due date of the first support payment to be made thereunder, the means of payment and the person to whom payment must be made.

(2) Every proposed order or judgment that includes a provision concerning child support must include notice that, if services are provided by the Division of Child Support, the obligor and obligee must inform the administrator, as defined in ORS 25.010(1), in writing of any change in private health insurance enrollment status within 10 days of the change.

## 8.040 PREJUDGMENT RELIEF UNDER ORS 107.095(1)

(1) An order for relief authorized by ORS 107.095(1) may be granted on motion supported by affidavit setting forth sufficient facts to establish a right to the requested relief.

(2) Any motion regarding temporary custody of a minor child must be supported by an affidavit which must state the present location of the minor child, the person with whom the child presently resides, the persons with whom and the places where the child has resided for the last 6 months, including the length of time with each person and at each residence, and the reasons why a temporary custody order is sought.

(3) Any motion regarding temporary support must be accompanied by a Uniform Support Declaration in the form specified at http://www.courts.oregon.gov/forms/Pages/default.aspx. A Uniform Support Declaration required by this subsection must be completed as provided under subsection (4) of UTCR 8.010.

(4) The opposing party also must serve and file a Uniform Support Declaration on the moving party, when support is to be an issue. The Uniform Support Declaration required by this subsection must be completed in the form specified at http://www.courts.oregon.gov/forms/Pages/default.aspx and as provided for completion of the declaration under subsection (4) of UTCR 8.010. The Uniform Support Declaration must be filed and served at the time designated in the relevant SLR. In the absence of an SLR to the contrary, the Uniform Support Declaration must be filed and served within 14 days of service of the motion regarding temporary support.

## 8.050 JUDGMENT MODIFICATION PROCEEDINGS

(1) Modification proceedings must be initiated by an order to show cause based on a motion supported by an affidavit setting forth the factual basis for the motion or by other procedure established by SLR. The initiating documents must contain a notice to the served party, substantially in the form set out at ORCP 7. This notice may be a separate document or included in an Order to Show Cause or Motion. When support is to be an issue, a Uniform Support Declaration, as set out at http://www.courts.oregon.gov/forms/Pages/default.aspx, must also be filed with the motion and completed as provided under subsection (4) of UTCR 8.010.

(2) Initiating documents must be served by delivering a certified copy of each document and Uniform Support Declaration, if applicable, in the manner necessary to obtain jurisdiction.

(3) The opposing party also must serve and file a Uniform Support Declaration on the moving party, when support is to be an issue. The Uniform Support Declaration must be completed in the form specified at http://www.courts.oregon.gov/forms/Pages/default.aspx and as provided for completion of the declaration under subsection (4) of UTCR 8.010. The Uniform Support Declaration must be filed and served at the time designated in the relevant SLR. In the absence of an SLR to the contrary, the Uniform Support Declaration must be filed and served within 30 days of service of the order to show cause.

(4) If the Division of Child Support (DCS) of the Department of Justice or a district attorney child support office (DA) either initiates or responds to a support modification proceeding, the DCS or DA must be allowed to file and serve, in lieu of the Uniform Support Declaration, an affidavit which sets out the following information: