

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 385**

1 On page 1 of the printed bill, delete lines 6 through 30.

2 On page 2, delete lines 1 through 19 and insert:

3 **“SECTION 2. (1) The presiding judge of each judicial district may**
4 **establish an alternative dispute resolution conference procedure for**
5 **custody and parenting time modification and enforcement before a**
6 **court hearing. The conference procedure must, at a minimum:**

7 **“(a) Require that the parties be notified in advance that the con-**
8 **ference will be conducted in an informal manner and will not use the**
9 **rules of evidence;**

10 **“(b) Provide each party with a full opportunity to present the**
11 **party’s position;**

12 **“(c) Accommodate safety concerns in conference procedures when**
13 **safety concerns are identified;**

14 **“(d) Allow a party’s attorney to be present; and**

15 **“(e) Notify the parties that if an agreement is not reached the**
16 **conference officer described in subsection (2) of this section may make**
17 **a recommendation to the court, but that no party will lose the party’s**
18 **right to a judicial hearing.**

19 **“(2) The presiding judge shall appoint a conference officer to hold**
20 **a conference under this section. The conference officer shall be an**
21 **Oregon Judicial Department employee who, at a minimum, has com-**

1 pleted 40 hours of mediation, child development and domestic violence
2 training.

3 “(3)(a) If the parties reach an agreement on the contested issues
4 during the conference, the parties shall sign a stipulated order or
5 judgment, prepared by the conference officer on forms approved by the
6 State Court Administrator, and the conference officer shall submit the
7 stipulated order or judgment to the court that had authority over the
8 underlying case.

9 “(b) If the parties cannot reach an agreement on all of the con-
10 tested issues during the conference, the conference officer may do one
11 or both of the following:

12 “(A) Assist the parties in developing a stipulated order or judgment
13 on one or more of the resolved issues.

14 “(B) Make recommendations to the court on the contested issues
15 and, if requested, schedule a court hearing on those issues and notify
16 the parties of the date and time of the hearing.

17 “(4) At a hearing, the court may receive into evidence and consider
18 the recommendation of the conference officer on contested issues but
19 shall assign no specific evidentiary weight to that recommendation.

20 “(5) If mediation has not been waived by the court, a conference
21 under this section is in addition to and not in lieu of mediation.”.

22 In line 38, after “agree” insert “or a conference under section 2 of this
23 2019 Act is scheduled”.

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