

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 must be:**

21 **“(a) An employee of the Judicial Department who has completed**

1 **training in mediation, child development and domestic violence, as**
2 **prescribed by the presiding judge or local rules adopted under ORS**
3 **3.220; or**

4 **“(b) An attorney or trained mediator appointed by the court in ac-**
5 **cordance with local rules adopted under ORS 3.220 who has completed**
6 **training in mediation, child development and domestic violence, as**
7 **prescribed by the presiding judge or local rules adopted under ORS**
8 **3.220.**

9 **“(3)(a) If the parties reach an agreement on the contested issues**
10 **during the conference, the parties shall sign a stipulated order or**
11 **judgment, prepared by the conference officer on forms approved by the**
12 **State Court Administrator, and the conference officer shall submit the**
13 **stipulated order or judgment to the court that has authority over the**
14 **underlying case.**

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

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

20 **“(B) Make recommendations to the court on the contested issues**
21 **and, if requested, schedule a court hearing on those issues and notify**
22 **the parties of the date and time of the hearing.**

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

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

28 **“(6) The conference procedure may not be used in proceedings un-**
29 **der ORS 107.700 to 107.735.”.**

30 In line 25, delete “In”.

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

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