

## SENATE AMENDMENTS TO SENATE BILL 385

By COMMITTEE ON JUDICIARY

April 5

- 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 establish an alternative**
- 4 **dispute resolution conference procedure for custody and parenting time modification and**
- 5 **enforcement before a court hearing. The conference procedure must, at a minimum:**
- 6 **“(a) Require that the parties be notified in advance that the conference will be conducted**
- 7 **in an informal manner and will not use the rules of evidence;**
- 8 **“(b) Provide each party with a full opportunity to present the party’s position;**
- 9 **“(c) Accommodate safety concerns in conference procedures when safety concerns are**
- 10 **identified;**
- 11 **“(d) Allow a party’s attorney to be present; and**
- 12 **“(e) Notify the parties that if an agreement is not reached the conference officer de-**
- 13 **scribed in subsection (2) of this section may make a recommendation to the court, but that**
- 14 **no party will lose the party’s right to a judicial hearing.**
- 15 **“(2) The presiding judge shall appoint a conference officer to hold a conference under this**
- 16 **section. The conference officer must have completed training in mediation, child development**
- 17 **and domestic violence, as prescribed by the presiding judge or local rules adopted under ORS**
- 18 **3.220, and must be:**
- 19 **“(a) An employee of the Judicial Department; or**
- 20 **“(b) An attorney or trained mediator appointed by the court in accordance with local**
- 21 **rules adopted under ORS 3.220.**
- 22 **“(3)(a) If the parties reach an agreement on the contested issues during the conference,**
- 23 **the conference officer shall prepare a stipulated order or judgment using forms approved by**
- 24 **the State Court Administrator, and:**
- 25 **“(A) If a party has an attorney, the party’s attorney shall have the opportunity to review**
- 26 **the stipulated order or judgment;**
- 27 **“(B) The parties shall sign the stipulated order or judgment; and**
- 28 **“(C) The conference officer shall submit the stipulated order or judgment to the court**
- 29 **that has authority over the underlying case.**
- 30 **“(b) If the parties cannot reach an agreement on all of the contested issues during the**
- 31 **conference, the conference officer may do one or both of the following:**
- 32 **“(A) Assist the parties in developing a stipulated order or judgment on one or more of**
- 33 **the resolved issues.**
- 34 **“(B) Make recommendations to the court on the contested issues and, if requested,**
- 35 **schedule a court hearing on those issues and notify the parties of the date and time of the**

1 **hearing.**

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

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

7 **“(6) The conference procedure may not be used in proceedings under ORS 107.700 to**  
8 **107.735.”.**

9 In line 25, delete “In”.

10 In line 38, after “agree” insert “or an alternative dispute resolution conference under section  
11 2 of this 2019 Act is scheduled”.

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