

NOTICE SEEKING PUBLIC COMMENT ON PROPOSED UNIFORM TRIAL COURT RULES CHANGES FOR 2018

I. INTRODUCTION

This notice is provided pursuant to Uniform Trial Court Rule (UTCRR) 1.020(3), which requires official notice of proposed rule changes to be posted on the Oregon Judicial Department website (<http://www.courts.oregon.gov/programs/utcr/Pages/currentrules.aspx>) for at least 49 days to allow submission of public comment.

The UTCRR Committee makes recommendations to the Chief Justice of the Oregon Supreme Court. At its fall meeting on October 20, 2017, the committee made preliminary recommendations on several proposed changes. The committee will review public comment and make final recommendations at its next meeting on April 6, 2018.

The committee encourages you to submit comments on these proposals, the recommendations (whether for approval or disapproval), and any other action taken by the committee. In order to be considered by the committee, public comment must be received by the UTCRR Reporter by the close of business on March 16, 2018.

SUBMISSION OF WRITTEN COMMENTS

You can submit written comments by clicking on the button next to the item of interest. You can also submit written comments by email or traditional mail:

utcr@ojd.state.or.us

or

UTCRR Reporter
Supreme Court Building
1163 State Street
Salem, Oregon 97301-2563

If you wish to appear at the spring meeting, please contact the UTCRR Reporter at utcr@ojd.state.or.us or Bruce C. Miller at 503-986-5500 to schedule a time for your appearance.

Recommendations that are adopted by the Chief Justice will take effect August 1, 2018. Following adoption, the rules will be posted on the Oregon Judicial Department website listed above. Additional information on the UTCRR process can be found at the same web address.

II. FUTURE MEETINGS

The committee plans to meet twice in 2018.

SPRING MEETING: April 6, 2018, 9:00 a.m., at the OJD Enterprise Technology Services Division, Salem, Oregon. The committee will review public comment on the proposals and preliminary recommendations described in this notice and will make final recommendations to the Chief Justice on changes to the UTCRR to take effect

August 1, 2018. The committee may also reconsider any and all of these proposals, the corresponding recommendations, and any other committee action.

FALL MEETING: October 5, 2018, 9:00 a.m., at the OJD Enterprise Technology Services Division, Salem, Oregon. The committee will review existing and proposed Supplementary Local Rules (SLR) and may make recommendations to the Chief Justice on disapproval of SLR pursuant to UTCR 1.050. The committee will also consider proposals for changes to the UTCR to take effect August 1, 2019. This is the only meeting at which the committee intends to accept proposals for that cycle. Committee meeting dates for the following year will be scheduled at this meeting.

III. SYNOPSIS OF FALL 2017 ACTIONS

A. RECOMMENDATIONS OF APPROVAL

These are brief descriptions of UTCR changes the committee has preliminarily recommended for approval (see Section IV.A. for detailed explanations).

1. 2.010(9)
Amend to address electronic exhibits and evidence filed as an attachment to a pleading. **See Items A.11 and B.8.**
2. 2.010(12)(a)
Amend to clarify that the requirement that two lines of text must appear on the page of a proposed order or judgment that contains a judge signature applies to eFiled documents.
3. 2.130
Amend to move Confidential Information Form (CIF) and Notice of CIF Filing from the UTCR Appendix of Forms to the Oregon Judicial Department (OJD) website.
4. Form 2.130.1
Move the form from the UTCR Appendix of Forms to the OJD website. **See Item A.2.**
5. Form 2.130.2
Move the form from the UTCR Appendix of Forms to the OJD website. **See Item A.2.**
6. 3.180
Revise to update and account for changes in technology.
7. 8.010
Amend to move the Uniform Support Declaration (USD) from the UTCR Appendix of forms to the OJD website.
8. Form 8.010.5
Move form from the UTCR Appendix of Forms to the OJD Website. **See Item A.7.**

9. 8.040
Amend to conform to proposed amendment to 8.010. **See Item A.7.**
10. 8.050
Amend to conform to proposed amendment to 8.010. **See Item A.7.**
11. 21.070(3)
Amend to address conventional filing of electronic exhibits and evidence filed as an attachment to a pleading. **See Items A.1 and B.8.**

B. RECOMMENDATIONS OF DISAPPROVAL

These are brief descriptions of the UTCR proposals the committee has preliminarily recommended for disapproval (see Section IV.B. for a detailed explanation).

1. 2.150
Adopt new rule requiring parties to separately file specified financial information.
2. Form 2.150.1
Adopt new form for use by parties separately filing specified financial information. **See Item B.1.**
3. Form 2.150.2
Adopt new form for use by parties separately filing specified financial information. **See Item B.1.**
4. 2.100
Amend rule to conform to proposed new UTCR 2.150 requiring parties to separately file specified financial information. **See Item B.1.**
5. 2.110
Amend rule to conform to proposed new UTCR 2.150 requiring parties to separately file specified financial information. **See Item B.1.**
6. 3.010
Amend to specifically allow religiously-required head coverings.
7. 5.070
Amend to allow use of “track changes” function available in Microsoft Word.
8. 6.190
Amend to address electronic exhibits and evidence filed as an attachment to a motion. **See Items A.1 and A.11.**
9. 8.090
Amend regarding information about pending child support proceedings, orders, and judgments.
10. Form 8.090
Delete to conform to the proposed amendment to 8.090. **See Item B.9.**

C. OTHER ACTIONS

These are brief descriptions of other committee actions (see Section IV.C. for detailed explanations).

1. 4.090
Amendment of rule out-of-cycle to reflect current process for authorizing the filing of electronic citations.
2. 4.110
Review public comment on new rule adopted out-of-cycle pursuant to Chief Justice Order 17-039, dated July 24, 2017, and effective August 1, 2017.
3. 9.080
Amendment of rule out-of-cycle to conform to House Bill 2630 (2017).
4. 9.320
Repeal of rule out-of-cycle to conform to House Bill 2673 (2017).
5. 19.020
Review public comment on amendment to rule adopted out-of-cycle pursuant to Supreme Court Order 17-028, dated June 6, 2017, and effective on the same date.
6. UTCR Reporter Corrections
7. Civil Justice Improvements
Explanation of OJD Civil Justice Improvements Task Force.
8. Committee Membership
Update
9. Spring 2018 Meeting
Schedule meeting (April 6, 2018).
10. Fall 2018 Meeting
Schedule meeting (October 5, 2018).

IV. DESCRIPTION OF FALL 2017 ACTIONS

Proposed deletions are in [*brackets and italics*]. Proposed additions are in {**braces, underline, and bold**}. A proposed revision (in lieu of a simpler amendment) consists of a complete rewriting of a rule or form so there is no use of [*brackets and italics*] or {**braces, underline, and bold**}. The same is true of a new rule or form. In instances when the text of a proposed amendment was not submitted for committee consideration, the absence of a proposed amendment is noted following the explanation.

A. RECOMMENDATIONS OF APPROVAL

1. **2.010(9)**
Amend to address electronic exhibits and evidence filed as an attachment to a pleading. **See Items A.11 and B.8.**

ACTION TAKEN

Motion to amend the proposal to make return of an exhibit discretionary, rather than mandatory, passed by consensus. Motion to preliminarily recommend approval of the proposal, as modified by the committee, passed by consensus.

EXPLANATION

This proposal was submitted by Jeff Hall, Deschutes County Circuit Trial Court Administrator, on October 13, 2017. The proponent appeared before the committee and discussed instances in which parties submitted exhibits and evidence in an electronic medium, such as discs or thumb drives. The proponent and the committee discussed:

- The risk of introducing viruses to a court's equipment and electronic system.
- Staff resources required to securely view the disc's or device's contents.
- The need for a dedicated computer, not connected to a court's electronic system, to conduct a viewing.
- The time (often 4 to 6 hours), effort, and cost associated with cleansing a computer's hard drive after a viewing is completed.
- The inability of the Odyssey electronic filing system to accept these items, so litigants must file them conventionally.
- Issues associated with how courts might store these electronic media and whether to return them to a party.
- Issues associated with requiring parties to file a transcript or request a hearing.
- The large number of different proprietary software needed to view certain types of evidence.

PROPOSED AMENDMENT

2.010 FORM OF DOCUMENTS

Except where a different form is specified by statute or rule, the form of any document, including pleadings and motions, filed in any type of proceeding must be as prescribed in this rule.

(1) * * *

* * * * *

(9) Exhibits

- (a) When an exhibit is appended to a filed document, each page of the exhibit must be identified by the word "Exhibit" or "Ex" to appear at the bottom right-hand side of the exhibit, followed by an Arabic numeral identifying the exhibit. Each page number of the exhibit must appear in Arabic numerals immediately below the exhibit number; e.g.:
"Exhibit 2
Page 10"
- (b) Exhibits appended to a pleading may be incorporated by reference in a later pleading.

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(c) Except where otherwise required by statute, an exhibit appended to a document must be limited to only material, including an excerpt from another document, that is directly and specifically related to the subject of, and referred to in, the document. A responding party may timely file an additional excerpt or the complete document that the party believes is directly and specifically related. The court may require a party to file an additional excerpt or the complete document.

{(d) A party shall not file a non-documentary exhibit without prior leave of the court. A non-documentary exhibit consisting of an electronic recording may be transcribed and filed in documentary format consistent with this rule. If the court grants leave to file a non-documentary exhibit, the exhibit must be conventionally filed on a medium, including appropriate software where necessary, that allows the exhibit to be played or viewed on existing court equipment. Non-documentary exhibits may be returned to the custody of counsel for the submitting party pursuant to UTCR 6.120. The Court may charge a reasonable fee to restore or clean, pursuant to Judicial Department policy and standards, court equipment used to play or view a non-documentary electronic exhibit. This rule does not apply to evidence submitted in electronic format pursuant to UTCR 6.190.}

(10) * * *

* * * * *

2. 2.010(12)(a)

Amend UTCR 2.010(12)(a) to clarify that the requirement that two lines of text must appear on the page of a proposed order or judgment that contains a judge signature applies to efiled documents.

ACTION TAKEN

Motion to preliminarily recommend approval, passed by consensus.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the OJD Law & Policy Work Group, on September 13, 2017. The purpose of this proposal is to eliminate an ambiguity in the rule by making clear that the “2 lines of text” requirement applies to efiled documents and for consistency with UTCR 21.040(3).

PROPOSED AMENDMENT

2.010 FORM OF DOCUMENTS

* * * * *

(12) Orders, Judgments or Writs

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- (a) [Except for electronically filed documents subject to UTCR 21.040(3), t{I}he judge’s signature portion of any order, judgment or writ prepared for the court must appear on a page containing at least two lines of the text. {**Except for electronically filed documents subject to UTCR 21.040(3), o**}[O]rders, judgments or writs embodying the ruling of a particular judge must have the name of the judge typed, stamped or printed under the signature line.

* * * * *

3. 2.130

Amend UTCR 2.130 to move the Confidential Information Form (CIF) and Notice of CIF Filing from the UTCR Appendix of Forms to the OJD website.

ACTION TAKEN

Motion to preliminarily recommend approval, passed by consensus.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the OJD Law and Policy Work Group (LPWG), on September 12, 2017. The proposal deletes references to UTCR Forms 2.130.1 and 2.130.2 from the rule and inserts cross-references to OJD’s forms website address. LPWG has been working on moving forms out of the UTCR in favor of online, interactive forms posted on the statewide OJD website for the convenience of parties. The change would permit OJD to make changes required by law and other user-friendly updates outside the UTCR cycle. Such changes go through a formal vetting process through a statewide forms work group that includes OJD staff, outside attorneys, and interested policy area groups. It allows for a comment period and requires Chief Justice approval. Items A.4 and A.5 remove these forms from the UTCR forms appendix in conformance with this the proposal.

PROPOSED AMENDMENT

2.130 CONFIDENTIAL PERSONAL INFORMATION IN FAMILY LAW AND CERTAIN PROTECTIVE ORDER PROCEEDINGS

- (1) Definitions. As used in this rule:

- (a) “Confidential personal information” means a party’s or a party’s child’s Social Security number; date of birth; driver license number; former legal names; and employer’s name, address, and telephone number.
- (b) “Confidential Information Form” (CIF) means a document substantially in the form provided {**at <http://www.courts.oregon.gov/forms/Pages/default.aspx>**}[in *UTCR Form 2.130.1*].

* * * * *

* * * * *

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- (4) Form. A CIF or an amended CIF must be substantially in the form provided {at <http://www.courts.oregon.gov/forms/Pages/default.aspx>}[in *UTCR Form 2.130.1*].

* * * * *

- (8) Mail or Delivery to Other Parties. A party filing an original or amended CIF must mail or deliver notice to all parties to the proceeding that a CIF or amended CIF has been filed and must file a certificate of mailing or delivery. The notice must be substantially in the form provided {at <http://www.courts.oregon.gov/forms/Pages/default.aspx>}[in *UTCR Form 2.130.2*].

* * * * *

4. Form 2.130.1

Move Form 2.130.1 from the UTCR Appendix of Forms to the OJD website.

ACTION TAKEN

Motion to preliminarily recommend approval, passed by consensus.

EXPLANATION

See Item A.3.

PROPOSED DELETION (see next page)

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____)
 _____))
 _____))
 Petitioner Co-Petitioner,)
 and v.)
 _____))
 Respondent Co-Petitioner.)
 _____))
 Child At Least 18 But Under 21)
 Other _____)

Case No.: _____

UTCR 2.130 CONFIDENTIAL INFORMATION FORM (CIF)
 Amended CIF

This document is not accessible to the public or other parties. Exceptions may apply. See UTCR 2.130.

ATTENTION COURT STAFF: THIS IS A RESTRICTED-ACCESS DOCUMENT.

The information below is about: Petitioner Respondent Co-Petitioner _____

Child at least 18 but under 21: _____

Other: _____

Name (Last, First, Middle): _____

The names of the parties and the children, as well as the children's ages, are NOT confidential.

Any other names used, now or in the past (if applicable):
Date of Birth:
Social Security Number:
Driver License (Number and State):
Employer's Name, Address, and Telephone Number:

Children's Names (Last, First, Middle)	Date of Birth	Social Security Number

Please attach an additional sheet if there are more than five children involved in the proceeding.

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

Date: _____ Signature: _____

Type or Print Name: _____

COMPLETED AND SUBMITTED BY:

Petitioner Respondent Co-Petitioner _____

Child who is at least 18 and under 21: _____

Other: _____

NOTE TO COURT STAFF: Unless ordered or authorized under UTCR 2.130, this Confidential Information Form is not available to the opposing party or his/her attorney, or to the public; except for the state.

5. Form 2.130.2

Move Form 2.130.2 from the UTCR Appendix of Forms to the OJD website.

ACTION TAKEN

Motion to preliminarily recommend approval, passed by consensus.

EXPLANATION

See Item A.3.

PROPOSED DELETION (see next page)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____)
 _____))
 _____))
 Petitioner Co-Petitioner,)
 and v.)
 _____))
 _____))
 Respondent Co-Petitioner.)
 _____))
 Child At Least 18 But Under 21)
 Other _____)

Case No.: _____

NOTICE OF FILING OF
 CONFIDENTIAL INFORMATION FORM (CIF)
 AMENDED CIF

NOTICE: Confidential Information Form Has Been Filed

- Uniform Trial Court Rule (UTCRR) 2.130 requires that parties to domestic relations or other specified types of cases place certain information about themselves and other parties in a CIF when such information is required in a document filed with the court.
- The CIF is not available for public inspection except as authorized by law.
- Parties are allowed to see a CIF that contains information about them.
- A party who wants to see a CIF that contains information about another party must ask for permission from the court or the other party by following the procedures set out in UTCRR 2.130.

I am the (check one box):

Petitioner Respondent Co-Petitioner _____
 Child at least 18 but under 21: _____
 Other: _____

I filed Confidential Information Forms with the court about the following parties to this case

(complete a section for each party for whom you have filled out a CIF):

1) Name (Last, First, Middle): _____
 Petitioner Respondent Co-Petitioner Adult Child Other: _____

Confidential Personal Information contained in CIF (check all that apply):

party's social security number, party's date of birth, children's social security number,
 children's date of birth, employer's name, address, and telephone number, driver license number,
 any other names used, now or in the past.

2) Name (Last, First, Middle): _____
 Petitioner Respondent Co-Petitioner Adult Child Other: _____

Confidential Personal Information contained in CIF (check all that apply):

- party's social security number, party's date of birth, children's social security number,
 children's date of birth, employer's name, address, and telephone number, driver license number,
 any other names used, now or in the past.

3) Name (Last, First, Middle): _____
 Petitioner Respondent Co-Petitioner Adult Child Other: _____

Confidential Personal Information contained in CIF (check all that apply):

- party's social security number, party's date of birth, children's social security number,
 children's date of birth, employer's name, address, and telephone number, driver license number,
 any other names used, now or in the past.

4) Name (Last, First, Middle): _____
 Petitioner Respondent Co-Petitioner Adult Child Other: _____

Confidential Personal Information contained in CIF (check all that apply):

- party's social security number, party's date of birth, children's social security number,
 children's date of birth, employer's name, address, and telephone number, driver license number,
 any other names used, now or in the past.

Dated this _____ day of _____, 20_____

Signature

Print Name

Contact Address

City, State, Zip

Contact Telephone

6. 3.180

Revise to update and account for changes in technology related to the use of electronic recording equipment in Oregon courts.

ACTION TAKEN

Motion to preliminarily recommend approval, passed by consensus.

EXPLANATION

This proposal was submitted by the Oregon State Bar Association Oregon Bar Press Broadcasters Council (Council) on September 19, 2017. The proposal revises UTCR 3.180 to specifically address the use of various electronic and mechanical devices to capture and transmit information (including sound, video, photographs, and writings) from courtrooms and courthouses. It makes clear that a person must obtain permission from the court before engaging in these activities. The proposal further clarifies that judges retain broad discretion to limit, prohibit, or place conditions upon the use of these devices.

The Council submitted a similar proposal to the UTCR committee in the fall of 2016. Concerns were raised by a number of circuit court judges. The Council conducted outreach to, and listening sessions with, many courts. It then withdrew that proposal and submitted an updated proposal to the committee. The Council will continue its outreach efforts in support of this proposal.

Representatives of the Council appeared to outline the proposal and answer questions from committee about the proposal's potential effects on courtroom management and transparency. The discussion addressed:

- Findings on the record.
- Security issues for witnesses and jurors.
- The ability of a court to ban cell phones and other devices from a courtroom.
- The need to specifically address writing, as well as recording.
- Exclusions for attorneys involved in a court proceeding.
- Delayed transmissions.
- Issues with live streaming.
- Local control for establishing time frames for requests and the request process.
- The need for FAQs for media representatives.
- The difficulty with defining "media."
- Sample orders for high profile cases.

PROPOSED AMENDMENT

3.180 ELECTRONIC RECORDING AND WRITING ON COURTHOUSE PREMISES

(1) As used in this rule:

- (a) "Electronic recording" includes video recording, audio recording, and still photography by cell phone, tablet, computer, camera, tape recorder, or any other means. "Electronic recording" does not include "electronic writing."

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- (b) “Electronic writing” means the taking of notes or otherwise writing by electronic means and includes but is not limited to the use of word processing software and the composition of texts, emails, instant messages, and tweets.
- (2) Upon request made prior to the start of a proceeding, and after notice to all parties, electronic recording shall be allowed in any courtroom except as provided under this rule. The court shall permit one video camera, one still camera and one audio recorder. The court may permit additional electronic recording consistent with this rule.
 - (3) A person who seeks to electronically record all or any portion of a court proceeding must obtain express permission from the court prior to any proceeding. No fee may be charged. The granting of such permission to any individual person or entity is subject to the court’s discretion, which may include considerations of the need to preserve the solemnity, decorum, or dignity of the court; the protection of the parties, witnesses, or jurors; or whether the requestor has demonstrated an understanding of all provisions of this rule.
 - (4) Except as otherwise provided in this rule:
 - (a) The court shall not wholly prohibit all electronic recording of a court proceeding unless the court makes findings of fact on the record setting forth substantial reasons that establish:
 - (i) There is a reasonable likelihood that the electronic recording will interfere with the rights of the parties to a fair trial or will affect the presentation of evidence or the outcome of the trial; or
 - (ii) There is a reasonable likelihood that the costs or other burdens imposed by the electronic recording will interfere with the efficient administration of justice.
 - (b) “Wholly prohibit all electronic recording” means issuing an order prohibiting all recording of a proceeding by all persons. The court’s denial of a particular request under the factors in section (3) does not constitute an order prohibiting all recording by all persons and does not require findings of fact on the record, even if the person whose request is denied is the only person who has requested permission to record a proceeding.
 - (5) Except with the express prior permission of the court, a person may not:
 - (a) Electronically record any court proceeding;
 - (b) Electronically record in any area under the control and supervision of the court;
 - (c) Engage in electronic writing;

- (d) Even if granted permission to record, send any electronic recording from within a courtroom; or
 - (e) Even if granted permission to engage in electronic writing, send any electronic writing from within a courtroom.
- (6) The provisions of subsections 5(c) and (e) of this rule do not apply to attorneys or to agents of attorneys unless otherwise ordered by the court.
- (7) The court may limit electronic recording of particular components of the proceeding if the court finds that:
- (a) The limitation is necessary to preserve the solemnity, decorum or dignity of the court or to protect the parties, witnesses, or jurors;
 - (b) The use of electronic recording equipment interferes with the proceedings; or
 - (c) The electronic recording of a particular witness would endanger the welfare of the witness or materially hamper the testimony of the witness.
- (8) If a person violates this rule or any other requirement imposed by the court, the court may order the person, and any organization with which the person is affiliated, to terminate electronic recording or electronic writing.
- (9) Notwithstanding any other provision of this rule, the following may not be electronically recorded by any person at any time:
- (a) Proceedings in chambers.
 - (b) Any notes or conversations intended to be private including but not limited to counsel and judges conferring at the bench and conferences involving counsel and their clients.
 - (c) Dissolution, juvenile, paternity, adoption, custody, visitation, support, civil commitment, trade secrets, and abuse, restraining and stalking order proceedings.
 - (d) Proceedings involving a sex crime, if the victim has requested that the proceeding not be electronically recorded.
 - (e) *Voir dire*.
 - (f) Any juror anywhere under the control and supervision of the court during the entire course of the trial in which the juror sits.
 - (g) Recesses or any other time the court is off the record.
- (10) The court may prescribe the location of and the manner of operating electronic equipment within a courtroom. Artificial lighting is not permitted. Any pooling arrangement made necessary by limitations on

equipment or personnel imposed by the court is the sole responsibility of the persons seeking to electronically record. The court will not mediate disputes. If the persons seeking to electronically record are unable to agree on the manner in which the recording will be conducted or distributed, the court may terminate any or all such recording.

- (11) A judicial district may, by SLR:
 - (a) Designate areas outside a courtroom and under the control and supervision of the court, including hallways or entrances, where electronic recording is allowed without prior permission, unless otherwise ordered in a particular instance.
 - (b) Adopt procedures to obtain permission for electronic recording or electronic writing;
 - (c) SLR 3.181 is reserved for any SLR adopted under this subsection.
- (12) For the purpose of determining whether this rule or other requirements imposed by the court have been violated, or to assure the effective administration of justice, a person engaged in electronic recording under this rule must, upon request and without expense to the court, provide to the court, for *in camera* review, an electronic recording in a format accessible to the court. The copy may be retained by the court and may be sealed if necessary for the further administration of justice.
- (13) This rule does not:
 - (a) Limit the court's contempt powers;
 - (b) Operate to waive ORS 44.510 to 44.540 (media shield law); or
 - (c) Apply to court personnel engaged in the performance of official duties.

NOTE: UTCR 3.180 was adopted by the entire Oregon Supreme Court, and any changes to the rule will be made only with the consent of the Supreme Court.

7. 8.010

Amend to move the Uniform Support Declaration (USD) from the UTCR Appendix of Forms to the OJD website.

ACTION TAKEN

Motion to preliminarily recommend approval, passed by consensus.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the OJD Law & Policy Work Group (LPWG), on September 12, 2017. The proposal deletes references to UTCR Form 8.010.5 in the UTCR Appendix of Forms from the rule and inserts a cross-reference to OJD's forms website address. LPWG has been working on moving forms out of the UTCR in favor of online, interactive

forms posted on the statewide OJD website for the convenience of parties. The change would permit OJD to make changes required by law and other user-friendly updates outside the UTCR cycle. Such changes go through a formal vetting process through a statewide forms work group that includes OJD staff, outside attorneys, and interested policy area groups. It allows for a comment period and requires Chief Justice approval. Item A.8 removes this form from the UTCR forms appendix in conformance with this the proposal.

PROPOSED AMENDMENT

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

(1) * * *

* * * * *

(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>}***[in Form 8.010.5 in the UTCR Appendix of Forms]*. 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.

* * * * *

(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) * * *

* * * * *

(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 *[in the form specified in Form 8.010.5 in the UTCR Appendix of Forms and]* as provided under subsection (4) of this rule.

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(f) * * *

* * * * *

8. Form 8.010.5

Move Form 8.010.5 from the UTCR Appendix of Forms to the OJD website.

ACTION TAKEN

Motion to preliminarily recommend approval, passed by consensus.

EXPLANATION

See Item A.7

PROPOSED DELETION (see next page)

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

In the Matter of: _____) Case No. _____)
 _____) Judge Assigned: _____)
 Petitioner Co-Petitioner,)
 and)
 _____)
 Respondent Co-Respondent.)

Check one box:
 PETITIONER'S RESPONDENT'S
 CO-PETITIONER'S CO-RESPONDENTS or
 OTHER: _____

UNIFORM SUPPORT DECLARATION

OR CSP Case No. _____

SUMMARY INFORMATION – COMPLETE THIS PAGE LAST

After completing Sections 1 through 5, on Pages 2 through 5 below, insert the information and/or total MONTHLY amounts in this Summary Information section. Date of Completion

	mm/dd/year
1. Number of Joint Children From This Relationship:	_____
2. Number of Joint Children Over 18 But Under 21 Attending School:	_____
3. Number of Nonjoint Additional Children:	_____
4. Gross Monthly Income From All Sources:	\$ _____
5. Receiving Temporary Assistance for Needy Families?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Child(ren) on Oregon Health Plan/Healthy Kids or Other Public Health Plan?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Social Security or Veteran's Benefits Received for Child(ren): Person with Disability is: <input type="checkbox"/> Child <input type="checkbox"/> Me <input type="checkbox"/> Other Parent	\$ _____
8. Spousal Support RECEIVED by You:	\$ _____
9. Spousal Support PAID by You:	\$ _____
10. Mandatory Union Dues Paid:	\$ _____
11. Health Care Premiums for Yourself:	\$ _____
12. Health Care Premiums Paid for Joint Child(ren):	\$ _____
13. Out-of-Pocket Medical Expenses Paid for Joint Child(ren):	\$ _____
14. Number of ANNUAL Overnights Child(ren) Spends With You:	_____
15. Childcare Expenses Paid for Joint Child(ren):	\$ _____
16. City Where Childcare is Provided:	_____

This form is a DECLARATION under penalty of perjury required for support determinations. It must be completed in its entirety, signed, filed with the court or appropriate administrative agency, and served upon the other party (or their attorney).

INSTRUCTIONS: Answer all questions. *Items marked with an * should be transferred to Page 1.* If you are seeking spousal support, you need to complete Schedule 1. Attach additional page if needed.

IMPORTANT: This information will be disclosed to the other party and may be subject to public access. Protections are available using the court’s “Confidential Information Form” process.

1. CHILDREN

A. *List all JOINT CHILDREN (children under the age of 21 born or adopted during this relationship):

Name of Child	Age	Children Living With:			Over 18 & Under 21 Attending School	
		Me	Other Parent	Other	Yes	No

B. *List all NONJOINT ADDITIONAL CHILDREN (children under the age of 21 born to or adopted by you but not of this relationship).

Name	Age

2. YOUR GROSS INCOME

A. From Your Employment:

Description				Monthly Amount
1	Gross hourly wage.			
2	Average number of hours worked per pay period.	x		
3	Convert to annual. If paid monthly, enter “12”. If paid twice monthly, enter “24”. Every two weeks, enter “26”. Every week, enter “52”.	x		
4	Convert to monthly.	÷	12	
5	Gross monthly income: 1. x 2. x 3. ÷ 4.			
6	Gross monthly tips/commissions/bonuses (identify):			
Subtotal of Monthly Income From Employment (5) + (6)				SUBTOTAL: 2.A.

B. Other Sources of Your Monthly Income: (Attach verification of your gross monthly income as listed below):

Description	Monthly Amount
Self-Employment	
Dividends	
Interest Income	
Trust Income	
Annuity Income	
Social Security Income	
Workers' Compensation Benefits per week multiplied by 52; divided by 12	
Unemployment Benefits per week multiplied by 52; divided by 12	
Disability Income	
Expense Reimbursements and/or Per Diem Allowance not listed in item A. above	
Other (specify source/type)	
Other (specify source/type):	
SUBTOTAL: 2.B.	
*Total of 2A + 2B Enter here and on Page 1, #4	TOTAL:

C. *Do you receive Temporary Assistance for Needy Families? Yes, \$_____ monthly No

D. *Do you receive Social Security or Veteran's benefits for any joint child(ren) due to parent's disability?
Name of Beneficiary Child(ren) _____ Yes, \$_____ monthly No
Name of Disabled Parent _____ **Source** _____

E. *Do you receive Social Security or Veteran's benefits for any joint child(ren) due to child's disability?
 Yes, \$_____ monthly No
Name of Child(ren) _____ **Source** _____

F. *Is there an order for you to RECEIVE spousal support from your spouse involved in this proceeding?
 Yes, \$_____ monthly No

G. *Is there an order for you to RECEIVE spousal support from a former/subsequent spouse?
 Yes, \$_____ monthly No

H. *Are you ordered to PAY spousal support? Yes, \$_____ monthly No
If Yes, to whom? _____

I. *Do you pay mandatory union dues? Yes, \$_____ monthly No

J. ATTACH A COPY OF YOUR FOUR MOST RECENT PAY STUB(S), BENEFIT STATEMENTS, AND COPIES OF YOUR MOST RECENTLY FILED STATE AND FEDERAL TAX RETURNS.

ATTACH COPIES OF SPOUSAL SUPPORT ORDERS AND ANY CHILD SUPPORT ORDERS FOR NONJOINT ADDITIONAL CHILD(REN) NOT LIVING WITH YOU.

3. **HEALTH CARE COVERAGE AND MEDICAL EXPENSES**

- A. *Is there a cost to insure just yourself? Yes No
- B. Do you provide health care coverage for your joint child(ren)? Yes No
- C. Does someone else provide health care coverage for your joint child(ren)? Yes No

Name of person, or entity, providing, if other than you: _____

- D. Are you or any member of your household:
 - i. Enrolled in the Oregon Health Plan, Healthy Kids, or any other public health care coverage? Yes No
 - ii. Receiving a state subsidy for public or private health care coverage? Yes No
- E. Are any of the joint children enrolled in public health care coverage (Healthy Kids/Oregon Health Plan)?

Name of child(ren) enrolled? _____ Yes No

If you answered "YES" to A, B, C, D, or E above:

i. Name **all** persons covered: _____

Relationship to you: _____

ii. What is the source of the insurance? (such as through your employer, spouse, other): _____

iii. Insurance Co.: _____ Phone Number: _____

iv. Monthly amount of any state subsidy received by your household for public or private health-care coverage \$_____.

v. Policy Number: _____ Group Number: _____

vi. Address for submission of claims: _____

vii. Your total monthly premium cost: (A)\$_____ ; Cost to cover only you: (B)*\$_____ ;
Total number of people enrolled (not counting yourself): (C)\$_____ ; Number of joint children enrolled: (D)_____

*The cost for the joint child(ren) only is $(A - B) \div C = \$$ _____ x D = *\$_____

viii. ATTACH PROOF OF INSURANCE PREMIUMS.

- F. *Do you pay any out-of-pocket medical expenses (not covered by insurance) for any joint child(ren) on a monthly basis? Yes No

If yes, list the name of the child, the reason for the cost(s), and the amount per month:

- i. _____ ; \$_____
- ii. _____ ; \$_____
- iii. _____ ; \$_____
- iv. _____ ; \$_____

- G. Does anyone pay a share of the monthly out-of-pocket medical costs for the child(ren)? Yes No

If yes, who? _____ ; amount they pay? \$_____

H. ATTACH PROOF OF MONTHLY MEDICAL EXPENSES.

4. YOUR CHILDCARE EXPENSES

A. *Do you pay for childcare for the joint child(ren) so you can work, train, or look for work? Yes No

If yes,:

Paid to:	Name of Child	Age	Average Monthly Payment

B. *Does anyone else share the cost of childcare for the joint child(ren)? Yes No

If yes, name: _____ Average Monthly Amount \$ _____

C. *City where childcare is provided: _____

D. ATTACH COPIES OF PROOF OF CHILDCARE EXPENSES.

5. *YOUR PARENTING TIME

PROPOSED OCCURRING EXISTING PLAN OR WRITTEN AGREEMENT

A. How many ANNUAL overnights does each joint child spend with YOU?

i. Name of Child: _____ # of overnights: _____

ii. Name of Child: _____ # of overnights: _____

iii. Name of Child: _____ # of overnights: _____

iv. Name of Child: _____ # of overnights: _____

B. ATTACH COPY OF MOST RECENT PARENTING PLAN OR WRITTEN AGREEMENT.

6. YOUR REBUTTAL FACTORS

A. The amount of child support to be paid may be rebutted under OAR 137-050-0760.

http://oregonchildsupport.gov/laws/rules/docs/050_0760.pdf

i. Are you seeking a rebuttal (an adjustment to the support amount)? Yes No

ii. Explain briefly: _____

B. ATTACH SUPPORTING EVIDENCE/ADDITIONAL INFORMATION.

I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND THEY ARE MADE FOR USE AS EVIDENCE IN COURT AND ARE SUBJECT TO PENALTY FOR PERJURY.

DATED this _____ day of _____, 20____.

My (printed) Name Is _____

I am:

PETITIONER RESPONDENT CO-PETITIONER

OTHER: _____

SIGNATURE

ATTACHMENT CHECKLIST. Check the box and include the appropriate attachment(s).

- Four most recent pay stubs or benefit statements
- Most recent state and federal tax returns (including all applicable schedules)
- Proof of insurance premiums
- Proof of medical costs
- Most recent parenting plan or written agreement
- Proof of childcare costs
- Copies of Spousal and Child Support Orders
- Additional Page: Number items to correspond, include your name and case number
- Other: _____

CERTIFICATE OF MAILING

I hereby certify that I served a true and complete copy of this Uniform Support Declaration and all attachments by mailing it first class mail, with postage prepaid, on _____ (date) to the following people:

- 1. _____ (Other Party/Attorney name)
Address: _____

- 2. _____ (name)
Address: _____

SIGNATURE

SCHEDULE 1
Spousal/Registered Domestic Partner Support Factors

You must complete this schedule and prepare and submit the attachments requested in this schedule if either party seeks spousal support or deviation from the uniform child support guidelines. These are the total household expenses you must pay each month for yourself only and not for others in your household. Utility bills should be averaged over the year. Any other annual, quarterly, or other periodic payments should be converted to a monthly average. **DO NOT LIST ANY EXPENSE IF IT IS DEDUCTED FROM YOUR WAGES.**

1. FIXED COSTS:

Description	Monthly Amount
A. RESIDENCE:	
Mortgage or Rent	
Second Mortgage/Home Equity Loan	
Property Taxes (if not included in Mortgage)	
Insurance (if not included in Mortgage)	
B. UTILITIES:	
Electricity	
Gas	
Water	
Garbage	
Telephone	
Cable/Internet	
C. TRANSPORTATION:	
Car Payments	
Fuel	
Maintenance and Repairs	
Other (specify):	
D. INSURANCE:	
Life	
Automobile	
Medical/Dental	
Other (specify):	
E. Food and Household Items	
F. Medicine & Pharmaceutical – unreimbursed medical/dental costs	
G. Court/DHR-Ordered Support Payments for other than child(ren)/spouse/RDP in this case	
TOTAL FIXED COSTS (A-G):	

2. CONSUMER OBLIGATIONS:

Name of Creditor		Balance Due	Monthly Amount
A.			
B.			
C.			
D.			
E.			
F.			
TOTAL PAYMENTS ON CONSUMER OBLIGATIONS (A-F):			

3. SUMMARY OF EXPENSES:

Description	Monthly Amount
Fixed Costs (item 1 above)	
Consumer Obligations (item 2 above)	
TOTAL EXPENSES:	

4. OTHER FACTORS:

Other factors that affect my income and expense or that should be considered (attach supporting documentation whenever possible).

TOTAL:	
---------------	--

My (printed) Name is: _____

I am:

PETITIONER RESPONDENT

CO-PETITIONER

OTHER: _____

9. **8.040**

Amend to conform to proposed amendment to 8.010.

ACTION TAKEN

Motion to preliminarily recommend approval, passed by consensus.

EXPLANATION

See Item A.7. This proposal is intended to conform this rule to the proposed change to UTCR 8.010.

PROPOSED AMENDMENT

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.

* * * * *

- (3) Any motion regarding temporary support must be accompanied by a Uniform Support Declaration in the form specified **{at <http://www.courts.oregon.gov/Pages/default.aspx>}** *[in Form 8.010.5 in the UTCR Appendix of Forms]*. 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>}** *[in Form 8.010.5 in the UTCR Appendix of Forms]* 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.

10. **8.050**

Amend to conform to proposed amendment to 8.010.

ACTION TAKEN

Motion to preliminarily recommend approval, passed by consensus.

EXPLANATION

See Item A.7. This proposal is intended to conform this rule to the proposed change to UTCR 8.010.

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PROPOSED AMENDMENT

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>***[in Form 8.010.5 in the UTCR Appendix of Forms]*, 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>***[in Form 8.010.5 in the UTCR Appendix of Forms]* 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) * * *
- * * * * *

11. **21.070(3)**

Amend to address conventional filing of electronic exhibits and evidence filed as an attachment to a pleading. **See Items A.1 and B.8.**

ACTION TAKEN

Motion to preliminarily recommend approval, passed by consensus.

EXPLANATION

See Item A.1. This proposal is intended to conform this rule to the proposed amendment of UTCR 2.010(9), which would allow conventional filing of a non-documentary exhibit upon leave of the court.

PROPOSED AMENDMENT

21.070 SPECIAL FILING REQUIREMENTS

- (1) * * *

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* * * * *

(3) Documents that Must be Filed Conventionally

The following documents must be filed conventionally:

(a) * * *

* * * * *

{(g) A non-documentary exhibit filed pursuant to UTCR 2.010(9)(d).}

(4) * * *

* * * * *

B. RECOMMENDATIONS OF DISAPPROVAL

1. 2.150

Adopt new rule requiring parties to separately file specified financial information.

ACTION TAKEN

Motion to preliminarily recommend disapproval, passed 11-1.

EXPLANATION

This proposal was submitted by Joshua Nasbe, former OJD Staff Counsel, on October 11, 2016. Lisa Norris-Lampe, OJD Appellate Legal Counsel, appeared before the committee and summarized the background of the committee's previous discussions of this proposal. OJD sent the proposal to the bar, courts, and interested stakeholders. Ms. Norris-Lampe explained that under UTCR 2.100 and 2.130, confidential personal information can be segregated and protected in certain cases. The proposal establishes a similar mechanism for litigants to segregate and keep confidential sensitive financial information to ensure that it is not inadvertently made available online to the public or bad actors seeking to harvest this data.

The committee discussed:

- The public interest in making information available online in the interests transparency.
- Availability of information at court kiosks.
- Existing protections for confidential case types.
- The sensitivity of financial data submitted in cases that are not otherwise subject to UTCR 2.100 and 2.130.
- Truncation of financial account numbers.
- Issues surrounding closed accounts.
- Account information that changes during litigation.
- Access for opposing parties to this information.
- Challenges that the trial courts would face in securely handling this volume of segregated information, including the introduction of new forms.

- Public comment expressing concern over the workload challenges posed by this proposal.
- The potential imbalance between self-represented and represented parties in segregating and accessing this information.
- Concerns over the how this proposal would apply in criminal cases.

The committee concluded that the proposal requires further refinement and should be preliminarily disapproved. A committee member expressed concern over further deferring action on this important subject.

PROPOSED RULE

2.150 CONFIDENTIAL FINANCIAL INFORMATION

- (1) As used in this rule:
- (a) “Confidential Financial Form” (CFF) means a document substantially in the form provided in UTCR Form 2.150.1.
 - (b) “Protected financial information” means Social Security numbers, employer identification numbers, credit card numbers, bank or other financial account numbers, bank or other financial account access numbers, or driver license, state identification or passport numbers.
- (2) (a) When protected financial information would otherwise be included in a document that is filed with the court, the party filing the document must:
- (i) File the information in a CFF; and
 - (ii) Redact the information from any other document filed with the court. If the protected financial information is required by statute or rule to be included in the document, the party must note on the document that the information has been separately filed under UTCR 2.150.
- (b) A party must file a separate CFF for each person about whom the party provides confidential financial information.
- (3) (a) A party must file an amended CFF when filing a document that contains protected financial information that has changed or is not contained in a previous CFF.
- (b) A party filing an original or amended CFF must mail or deliver notice to all parties to the proceeding that a CFF or amended CFF has been filed and must file a certificate of mailing or delivery. The notice must be substantially in the form provided in UTCR 2.150.2.
- (4) (a) A party may inspect a CFF filed by the party.
- (b) A party may inspect a CFF filed by another party, upon filing an affidavit of consent, signed and dated by the party whose information is to be inspected, that states the dates during which the

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consent is effective. Notwithstanding UTCR 2.120, a declaration under penalty of perjury may not be used in lieu of an affidavit required by this paragraph.

- (c) A person may inspect a CFF upon entry of a court order.
 - (d) Oregon Judicial Department personnel may have access to a CFF when required for court business. Courts may share a CFF with other governmental agencies as required or allowed by law for agency business.
- (5) This rule does not apply to:
- (a) Information required to be filed in a Confidential Information Form under UTCR 2.130.
 - (b) Information required in money award under ORS 18.042.
 - (c) Court-certified documents.
 - (d) Violation proceedings.
- (6) Judges and court staff are not required to review documents for compliance with this rule.

2. Form 2.150.1

Adopt new form for use by parties separately filing specified financial information. **See Item B.1.**

ACTION TAKEN

Motion to preliminarily recommend disapproval, passed 11-1.

EXPLANATION

See Item B.1.

PROPOSED FORM (see next page)

[Click Here to Comment on This Form](#)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____)
 _____)
 Petitioner/Plaintiff,)
 v.)
 _____)
 _____)
 Respondent/Defendant.)
 _____)
 Other _____)

Case No.: _____

UTCR 2.150 CONFIDENTIAL FINANCIAL FORM (CFF)
 Amended CFF

This document is not accessible to the public or other parties. Exceptions may apply. See UTCR 2.150.

ATTENTION COURT STAFF: THIS IS A RESTRICTED-ACCESS DOCUMENT.

The information below is about: Petitioner/Plaintiff Respondent/Defendant

Other: _____

Name (Last, First, Middle): _____

Social Security/Employer Identification Number:
Credit Card/Financial Account Number:
Driver License or Identification (Number and State):
Passport Number:

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

Date: _____ Signature: _____

Type or Print Name: _____

COMPLETED AND SUBMITTED BY:

Petitioner/Plaintiff Respondent/Defendant Other _____

NOTE TO COURT STAFF: Unless ordered or authorized under UTCR 2.150, this Confidential Financial Form is not available to the opposing party or his/her attorney, or to the public; except for the state.

3. Form 2.150.2

Adopt new form for use by parties separately filing specified financial information.

ACTION TAKEN

Motion to preliminarily recommend disapproval, passed 11-1.

EXPLANATION

See Item B.1.

PROPOSED FORM (see next page)

[Click Here to Comment on This Form](#)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____)
 _____)
 Petitioner/Plaintiff,)
 v.)
 _____)
 _____)
 Respondent/Defendant.)
 _____)
 Other _____)

Case No.: _____

NOTICE OF FILING OF
 CONFIDENTIAL FINANCIAL FORM (CFF)
 AMENDED CFF

NOTICE: Confidential Financial Form Has Been Filed

- Uniform Trial Court Rule (UTCRC) 2.150 requires that parties place certain information about themselves and other parties in a CFF when the information is in a document filed with the court.
- The CFF is not available for public inspection except as authorized by law.
- A person may ask for permission from the court or the other party by following the procedures set out in UTCRC 2.150.

I am the (check one box):

Petitioner/Plaintiff Respondent/Defendant Other: _____

I filed Confidential Financial Forms with the court about the following parties to this case
(complete a section for each party for whom you have filled out a CFF):

1) Name (Last, First, Middle): _____
 Petitioner/Plaintiff Respondent/Defendant Other: _____

Confidential Financial Information contained in CFF (check all that apply):

social security/employer identification number, credit card number, bank or other financial account number, bank or other financial account location or access number, passport, driver license, or identification number, other _____

2) Name (Last, First, Middle): _____
 Petitioner/Plaintiff Respondent/Defendant Other: _____

Confidential Financial Information contained in CFF (check all that apply):

social security/employer identification number, credit card number, bank or other financial account number, bank or other financial account location or access number, passport, driver license, or identification number, other _____ .

3) Name (Last, First, Middle): _____
 Petitioner/Plaintiff Respondent/Defendant Other: _____

Confidential Financial Information contained in CFF (check all that apply):

social security/employer identification number, credit card number, bank or other financial account number, bank or other financial account location or access number, passport, driver license, or identification number, other _____ .

4) Name (Last, First, Middle): _____
 Petitioner/Plaintiff Respondent/Defendant Other: _____

Confidential Financial Information contained in CFF (check all that apply):

social security/employer identification number, credit card number, bank or other financial account number, bank or other financial account location or access number, passport, driver license, or identification number, other _____ .

Dated this _____ day of _____, 20____

Signature

Print Name

Contact Address

City, State, Zip

Contact Telephone

4. 2.100

Amend rule to conform to proposed new UTCR 2.150 requiring parties to separately file specified financial information.

ACTION TAKEN

Motion to preliminarily recommend disapproval, passed 11-1.

EXPLANATION

See Item B.1.

PROPOSED AMENDMENT

2.100 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING

(1) Purpose

- (a) This rule establishes procedures for a person to identify and segregate protected personal information when submitting a document to a court in a case and to request the information be kept from inspection by the general public.
- (b) This rule establishes a process for a court, when it grants a request under this rule, to protect the segregated, protected personal information from nonprotected information in a uniform way with an appropriate record.
- (c) UTCR 2.130 [*establishes*] **{and 2.150 establish}** separate procedures and processes for protecting **{confidential financial information and,}**[*personal information*] in proceedings brought under ORS chapters 25, 106, 107, 108, 109, 110, and 416 or initiated under ORS 24.190, ORS 30.866, ORS 124.010, or ORS 163.763{, **confidential personal information**}.

(2) Information Covered. As used in this rule:

- (a) “Protected personal information” means specific individual facts that, unless segregated, would otherwise be in a submitted document to identify a person submitting the document or another person beyond that person’s name or to identify the financial activities of either and which the court is allowed or required by law to keep confidential.
- (b) “Protected personal information” includes, but is not limited to:
 - (i) [*Social Security numbers, credit card numbers, bank or other financial account numbers, bank or other financial account locations, driver license numbers, financial account access numbers, or similar information that is used for financial transactions and can be kept confidential under ORS 192.502(2).*]

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- (ii) Maiden names, birth dates, [and] places of birth{, **and any other information**} that can be kept confidential under ORS 192.502(2).
 - [(iii)]{(ii)} Facts about a person’s identity or the identity of the person’s financial activities that is other than contact information and that can be exempt from public inspection under the Oregon Public Records Law (OPRL, ORS 192.410 to 192.505).
 - [(iv)]{(iii)} Facts other than contact information that can otherwise be protected under specific law, including, but not limited to, information protected by existing court orders.
- (c) “Protected personal information” does not include{:}
- {(i)} Entire documents, contact information, or, except as ordered by a court, information that is not both personal and related to a person’s identity beyond their name or their financial activities.
 - {(ii) **“Confidential personal information” that is required to be filed in accordance with UTCR 2.130 or “confidential financial information” that is required to be filed in accordance with UTCR 2.150.**}
- (d) “Contact information” means: the name of a person submitting a document or of a person on whose behalf a document is being submitted; telephone numbers; personal or business addresses; email addresses; employer identification and address; or similar facts that make it possible for another to contact a person who is named in a document.
- (3) Relationship to Other Law. The following all apply to this rule:
- (a) *[Parties to proceedings under ORS 107.085 or 107.485 must segregate all Social Security numbers from all documents they submit related to the proceedings in the manner provided by UTCR 2.130. These Social Security numbers are confidential in the custody of the court as ORS 107.840 provides. Other than as this paragraph, UTCR 2.130, or SLR 2.101 of a court provides, this rule is not the exclusive means for a court to protect personal information from public inspection.*
 - (b) All judicial districts must allow requests to segregate protected personal information under this rule as a way to keep it separate from information subject to public inspection. However, courts may use SLR to establish other procedures related to identifying and protecting information courts are allowed or required to keep confidential. But, SLR 2.101 is preserved for purposes of a court to:
 - (i) require use of forms or procedures under this rule as the exclusive way to identify specific protected personal

information so a court can segregate the information and protect it from public inspection; and

- (ii) establish requirements supplemental to this rule as necessary to help administer this rule.

[(c)]{(b)} Nothing in this rule precludes a court from protecting information by appropriate court order.

[(d)]{(c)} Nothing in this rule affects or applies to procedures for identifying and protecting contact information:

- (i) Of crime victims that is submitted to courts for processing restitution payments when restitution is sought and the information about a crime victim is kept confidential under ORS 18.048(2)(b).
- (ii) That can be made confidential under ORS 25.020(8)(d), 109.767(5), 110.575, or 192.445.

(4) * * *

* * * * *

5. 2.110

Amend rule to conform to proposed new UTCR 2.150 requiring parties to separately file specified financial information.

ACTION TAKEN

Motion to preliminarily recommend disapproval, passed 11-1.

EXPLANATION

See Item B.1.

PROPOSED AMENDMENT

2.110 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A CASE FILE

(1) * * *

* * * * *

- (2) Information Covered. This rule may be followed to segregate and protect the same information already existing in a case file that could be segregated and protected at the time of submission under UTCR 2.100{,} [and] UTCR 2.130{,} **or UTCR 2.150**. The definitions in UTCR 2.100 apply to this rule.

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(3) * * *

* * * * *

6. 3.010

Amend to specifically allow religiously-required head coverings.

ACTION TAKEN

Motion to preliminarily recommend disapproval, passed by consensus.

EXPLANATION

This proposal was submitted by Michael T. Purcell, attorney, on December 5, 2016. The proponent cited an incident in which he observed a courtroom deputy order a Muslim woman to remove her religious head covering. This occurred outside the presence of the judge. The committee felt that while the proposal was well-intended, the incident highlighted a training issue, rather than a rule issue. A member pointed out that at the time of this incident there had been a large turnover in law enforcement staff. The committee concluded that state and federal constitutional protections sufficiently safeguarded a person's right to exercise their religion without the necessity of this amendment, which singles out only one of many possible scenarios.

PROPOSED AMENDMENT

3.010 PROPER APPAREL

- (1) All persons attending the court must be dressed so as not to detract from the dignity of court. **{A person may wear a religiously-required head covering unless the court orders otherwise.}** Members of the public not dressed in accordance with this rule may be removed from the courtroom.
- (2) When appearing in court, all attorneys and court officials must wear appropriate attire.

7. 5.070

Amend to allow use of "track changes" function available in Microsoft Word to amend pleadings.

ACTION TAKEN

No motion was made on this proposal. By committee convention, it is treated as preliminarily recommended for disapproval.

EXPLANATION

This proposal was submitted by Shauna Purcell on behalf of attorney Paul Connolly on March 21, 2017. The proponent discussed the burden on attorneys and legal support staff to italicize, bracket, bold, underline, and brace deletions and insertions in amended pleadings, as required in the rule. The proponent suggested amending the rule to allow parties to "redline" amended pleadings through the use of the tracked changes function in Microsoft Word and other word-processing software. The UTCR Reporter summarized the

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history of this issue dating back to 2007. The committee discussed email comments submitted in 2008 and 2009 by attorney Bruce Harrell, who is blind, and the example of a blind mediator whose text reading software cannot read changes displayed in this format.

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PROPOSED AMENDMENT

The proponent did not submit specific wording for amendment of the rule.

8. 6.190

Amend to address electronic exhibits and evidence filed as an attachment to a motion. **See Items A.1 and A.11.**

ACTION TAKEN

No motion was made on this proposal. By committee convention, it is treated as preliminarily recommended for disapproval. The committee instead chose to consider amendment of UTCR 2.010(9) and 20.070(3).

EXPLANATION

See Item A.1.

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PROPOSED AMENDMENT

The proponent did not submit specific wording for amendment of the rule.

9. 8.090

Amend regarding information about pending child support proceedings, orders, and judgments.

ACTIONS TAKEN

Motion to correct a typo in the eleventh line by changing “handing” to “handling” passed by consensus. Motion to recommend that the proponent consider changing “statement” to “certificate” in the first and ninth lines and to place the certification information immediately following the petitioner’s signature and before the certificate of service passed by consensus. Motion to preliminarily recommend disapproval, passed by consensus.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, on behalf of the OJD Law & Policy Work Group, on September 12, 2017. The proposal removes the requirement that parties in family law cases file a certificate regarding pending child support proceedings, orders, or judgments. Instead, the proposal would require that such information be included on the first page of the case-initiating petition or applicable motion.

The proponent:

- Described improved communication between the courts and the Oregon Department of Justice’s Child Support Program so that a standalone certificate is no longer needed.
- Made reference to the history of the certificate.
- Explained how the information can be captured in the petition or motion in a simpler format that still captures information required under the

Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
(see ORS 109.701 to 109.834).

- Stated that the intent of the proposal was to eliminate unnecessary filings in family law cases.
- Acknowledged that the requirement to use a certificate established by court rule is set out in statute.

The committee emphasized that it agrees with the proposal in concept, but it expressed concern that the proposal to eliminate the separate certificate requirement was inconsistent with ORS 107.085(3), which expressly requires that a “certificate regarding any pending support proceeding and any existing support order” be filed with the petition. In addition, the committee expressed concern about the placement of the information on the first page of the petition or motion.

PROPOSED AMENDMENT

8.090 CERTIFICATE REGARDING PENDING CHILD SUPPORT PROCEEDINGS AND/OR EXISTING CHILD SUPPORT ORDERS AND/OR JUDGMENTS

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A **{statement}***[certificate]* regarding **{other pending child support orders or proceedings}***[pending child support proceedings and/or existing child support orders and/or judgments, in substantially the same form as specified in Form 8.090 in the UTCR Appendix of Forms,]* shall be **{placed, to the extent practicable, on the first page of any}***[included with]* motion^[s] **{or}***[and]* petition^[s] filed pursuant to ORS 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, and 125.025, as required by ORS 107.085(3), 107.135(2)(b), 107.431(2)(b), 108.110(4), 109.100(3), 109.103(3), 109.165(3), and 125.025(4)(b). **{The statement must indicate whether there exists between the parties any pending child support proceeding or any existing child support order or judgment. The name of the court or agency handling a pending proceeding, the case number, and date of any existing order or judgment also must be included in the pleading, but need not be located on the first page.}**

10. Form 8.090

Delete to conform to the proposed amendment to 8.090.

ACTION TAKEN

See Item B.9.

EXPLANATION

See Item B.9.

PROPOSED DELETION (see next page)

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

In the Matter of the Marriage of:)
)
_____) Case No. _____
)
) Petitioner,)
and) CERTIFICATE RE: PENDING CHILD
) SUPPORT PROCEEDINGS and/or EXISTING
_____) CHILD SUPPORT ORDERS/JUDGMENTS
)
) Respondent.) (UTCR 8.090)

I hereby certify that:

1. PENDING CHILD SUPPORT PROCEEDINGS *(include any child support matter being heard by either a court or agency as part of a dissolution, separation, annulment, paternity, juvenile court, support, or modification case):*

- There is no pending child support proceeding in this or any other state involving the parties' child[ren].
- There is a pending child support proceeding in Oregon in another state which involves the parties' child[ren] as follows:
Name/County of Court or Agency where pending: _____
Agency Case Number: _____
Court Case Number: _____

2. EXISTING CHILD SUPPORT ORDERS OR JUDGMENTS *(include any order/judgment whether made by an agency or a court in this or any other state, and whether or not currently effective):*

- There are no other child support orders/judgments in this or any other state involving the parties' child[ren].
- There is/are other child support orders/judgments involving the parties' child[ren], as follows:

ORDER/JUDGMENT #1 (Attach a copy of the signed order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

ORDER/JUDGMENT #2 (Attach a copy of the signed order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

ORDER/JUDGMENT #3 (Attach a copy of the signed order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

ORDER/JUDGMENT #4 (Attach a copy of the signed order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

Attach additional sheets if necessary, labeled "Attachment 1 to Certificate Re: Child Support Proceedings and Orders".

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

DATED this _____ day of _____, 20__.

 Petitioner Respondent, Signature

Print name

Address or Contact Address

City, State, Zip Code

Telephone or Contact Telephone

C. OTHER ACTIONS

1. 4.090

Amendment of rule out-of-cycle to reflect current process for authorizing the filing of electronic citations.

ACTION TAKEN

No action was needed or taken. The committee seeks public comment on the adopted amendment.

EXPLANATION

This proposal was submitted by Bruce Miller, UTCR Reporter, on October 19, 2017. The amendment was adopted pursuant to CJO 17-061, dated October 19, 2017, and effective on that date. The amendment makes technical changes to UTCR 4.090, which sets out the process for approving the filing of electronic citations by law enforcement agencies.

ADOPTED AMENDMENT

4.090 ELECTRONIC CITATIONS

- (1) As used in this rule:
- (a) “Electronic citation” means a violation complaint or a criminal citation electronically filed in circuit court by a filing agency pursuant to ORS 153.770 or ORS 133.073.
 - (b) “Filing agency” means a law enforcement agency or a parking enforcement agency filing an electronic citation.
 - (c) “Trial court administrator” means the trial court administrator for the circuit court in which the electronic citation is filed.
- (2) *[A circuit court, upon approval of the State Court Administrator, may authorize the filing of electronic citations. A circuit court’s request to the State Court Administrator for approval of the use of electronic citations must]***Requests for authorization to use electronic citations must be submitted to the Odyssey Change Control Workgroup (OCCW) for review. The OCCW must**:
- (a) *[Describe the understanding reached with the filing agency]***Submit the results of its review to the State Court Administrator**}, and
 - (b) *[Describe the manner in which the electronic citations will be accommodated by Oregon Judicial Department systems and computer technology]***Obtain approval from the State Court Administrator before authorizing use of electronic citations**}.
- (3) The State Court Administrator may establish appropriate conditions and procedures to be followed by a court and its partners in an electronic citation program to assure that the process for electronic citations can be accommodated by Oregon Judicial Department systems and computer technology.

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- (4) The transmission of information and images as provided in this rule must be tested and meet completely the system requirements for electronically uploading information and images into the Oregon Judicial Department's automated information systems. Testing shall be administered by Oregon Judicial Department staff.
- (5) A filing agency must satisfy all of the following requirements when filing an electronic citation in circuit court:
 - (a) The filing agency must obtain from the trial court administrator written approval before filing electronic citations.
 - (b) For a violation complaint, the electronic citation information must include all of the information required by ORS 153.770(2)(a).
 - (c) For a criminal citation, the electronic citation information must include all of the information required by ORS 133.073(2)(a).
 - (d) The electronic citation must contain a unique identification number for the law enforcement or parking enforcement officer issuing the citation, the officer's name, the officer's eSignature, and the identity of the agency employing the officer.
 - (e) The filing agency must number the electronic citation using a number series approved by the trial court administrator.
 - (f) The filing agency must assign to the citation a unique number that does not duplicate the number on any electronic citation previously filed by the filing agency.
 - (g) A criminal citation with a form of complaint must not be filed until after the district attorney has conducted the review required by ORS 133.069(2).
 - (h) The filing agency must transmit to the circuit court an image of the electronic citation for public inspection under ORS 153.770(2)(c) and ORS 133.073(2)(c).
 - (i) If the circuit court in which the electronic citation is to be filed has a Supplementary Local Rule (SLR) on electronic citations, the filing agency must comply with all procedures and requirements in the SLR.
- (6) Subject to the restrictions under ORS 133.066(4) and (5) regarding the types of offenses that can be included in a citation, an electronic citation may contain up to ten offenses on a single citation.
- (7) An electronic citation is deemed filed at the time the information for the citation is entered in the register of the court.
- (8) A circuit court may scan uniform traffic citations filed in paper format, along with any supporting documentation and correspondence, and reformat them to an electronic record.

- (9) Citations that are electronically filed or manually scanned, including those to which additional information, judicial orders, judgments, and judicial signatures have been added, are the original and legal court record.

[(10) SLR 4.091 is reserved for judicial districts to adopt a local rule regarding electronic citations.]

2. 4.110

Review public comment on new rule adopted out-of-cycle pursuant to Chief Justice Order (CJO) 17-039, dated July 24, 2017, and effective August 1, 2017.

ACTION TAKEN

No action was needed or taken.

EXPLANATION

UTCR 4.110 was requested by Lindsey Detweiler, OJD Assistant Legal Counsel, and adopted out-of-cycle pursuant to CJO 17-039, dated July 24, 2017, and effective August 1, 2017.

The rule responds to *Nelson v. Colorado*, 581 US ___, 137 S Ct 1249, 197 L Ed 2d 611 (2017), in which the Court affirmed that a criminal defendant is entitled to reimbursement of certain moneys paid pursuant to a criminal judgment when the criminal conviction has been reversed, and the defendant will not be retried or has been retried and acquitted. Further, due process requires that a state may not impose more than minimal procedures for a defendant to seek that refund. Oregon has no statutory process to address this situation. UTCR 4.110 is intended to establish a uniform, statewide process for a defendant to seek a refund. The rule does not prohibit a court from taking similar action on its own motion. The committee received no public comment.

3. 9.080

Amendment of rule out-of-cycle to conform to House Bill 2630 (2017).

ACTION TAKEN

This rule was amended out-of-cycle after the October 20, 2017, UTCR Committee meeting. The committee seeks public comment on the adopted amendment.

EXPLANATION

The rule was amended out-of-cycle, effective January 1, 2018, by CJO 17-081. UTCR 9.080 was created to conform with ORS 125.075(2), which requires courts to designate a place where oral objections to a protective proceeding may be made. ORS 125.075(2) was amended by House Bill 2630 (2017) to require courts to designate the manner in which (rather than the place where) objections may be made. This amendment conforms the rule to the statutory change.

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ADOPTED AMENDMENT

9.080 ORAL OBJECTIONS IN PROTECTIVE PROCEEDINGS AND NOTICE OF FREE AND LOW-COST LEGAL SERVICES

- (1) Every court exercising probate jurisdiction must adopt an SLR designating [*a place where*] **the manner in which** oral objections may be made under ORS 125.075 to petitions **or motions** in protective proceedings. SLR number 9.081 is reserved for this purpose.
- (2) Every court exercising probate jurisdiction shall post, at the place where oral objections may be made pursuant to subsection (1) of this rule, information regarding any free or low-cost legal services available in the area sufficient to satisfy the requirements of ORS 125.070.

4. 9.320

Repeal of rule out-of-cycle to conform to House Bill 2673 (2017).

ACTION TAKEN

This rule was repealed out-of-cycle after the October 20, 2017, UTCR Committee meeting. The committee seeks public comment on the repeal.

EXPLANATION

The rule was repealed out-of-cycle, effective January 1, 2018, by CJO 17-082. UTCR 9.320 was created to conform with ORS 33.420(1) and ORS 33.460, which required name change and sex change petitioners give public notice of the requested changes. House Bill 2673 (2017) eliminated the public notice requirement for name and sex change petitions. The repeal of the rule is in conformance with the statutory change.

ADOPTED REPEAL

[9.320 CHANGE OF NAME AND CHANGE OF SEX PROCEEDINGS

The public notice required by ORS 33.420 or ORS 33.460 may be given either by posting in a public place or publication in a newspaper of general circulation. The notice must give 14 days from the date of posting or publication for all persons to appear and show cause. If no appearance is made, the judgment may be entered 15 days after posting or publication. After entry of the judgment, public notice of the change must be given by posting in a public place or publication in a newspaper of general circulation. A certificate of posting or publication must be submitted to the trial court administrator.]

5. 19.020

Review public comment on amendment to rule adopted out-of-cycle pursuant to Supreme Court Order 17-028, dated June 6, 2017, and effective on the same date.

ACTION TAKEN

No action was needed or taken.

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EXPLANATION

Amendment of 19.020 was requested by Lisa Norris-Lampe, on behalf of the OJD eCourt Law & Policy Work Group, and Bruce Miller, UTCR Reporter. The proposal to review public comments was submitted by the UTCR Reporter on September 1, 2017. The proponents summarized the history of the out-of-cycle amendment. The amendment was adopted out-of-cycle pursuant to Supreme Court Order 17-028, dated June 6, 2017, and effective on that same date. The amendment was in response to amendments to ORS 33.055 passed in the 2017 legislative session. See Senate Bill 489 (2017). The amended statute requires parties to file motions to initiate remedial contempt proceedings in accordance with rules adopted by the Oregon Supreme Court. The rule was amended to align the UTCR with how the Odyssey system handles contempt filings. The committee received no public comment.

6. UTCR Reporter Corrections

EXPLANATION

Pursuant to UTCR 1.020(6), the UTCR Reporter has corrected inaccurate website addresses in the following rules:

- UTCR 1.020(3) and (4)
- UTCR 1.160(4)
- UTCR 1.170(1)
- UTCR 5.170(2) and (3)
- UTCR 8.060
- UTCR Chapter 12 Reporter's Note
- UTCR 15.010(1)(a), (b), (c), (d), (e), and (f)
- UTCR 21.010(3)
- UTCR 21.070(1)(c)(ii)

Pursuant to UTCR 1.020(6), the UTCR Reporter has corrected a non-substantive typographical error in:

- UTCR Form 8.120.1(2), second paragraph, second line, by changing "UTRC" to "UTCR."

7. Civil Justice Improvements

Explanation of OJD Civil Justice Improvements Task Force.

ACTION TAKEN

No action was needed or taken.

EXPLANATION

This proposal was submitted by Lisa Norris-Lampe, OJD Appellate Counsel and Task Force Staff, on September 12, 2017. Committee and task force member Judge Stephen Bushong summarized the background of the task force, its objectives, and the thirteen recommendations of the National Conference of Chief Justices for civil law improvements, excluding family law. The task force, headed by the Chief Justice, is looking at the use of technology and improved case management processes. The task force will also consider whether changes to statutes, ORCP, UTCR, and SLR are necessary to meet the Conference's recommendations. The proponents noted that any task force

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proposals to change UTCR will be within the committee's regular cycle and introduced for consideration at the committee's October 2018 meeting.

8. Committee Membership

Update.

ACTION TAKEN

No action was needed nor taken.

EXPLANATION

The committee received an update on membership. Committee members William Miner and Christopher Parosa will complete their service on the committee on December 31, 2017. There is one additional opening to fill the vacancy left by Katharine von Ter Stegge, who was appointed to the bench in July 2017. OJD is advertising for applicants with experience in criminal prosecution, general civil litigation, and probate litigation. Individuals with such experience are encouraged to apply.

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9. Spring 2018 Meeting

Schedule meeting.

ACTION TAKEN

The committee scheduled its next meeting for April 6, 2018.

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10. Fall 2018 Meeting

Schedule meeting.

ACTION TAKEN

The committee scheduled its fall meeting for October 5, 2018.

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