

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

IN THE MATTER OF MODIFYING )  
COURT OPERATIONS DURING ) ORDER 20-001 (AMENDED)  
THE COVID-19 PANDEMIC )

IT APPEARING TO THE COURT that Chief Justice Order 20-006 (Amended) (hereinafter "CJO 20-006") dated March 27, 2020, orders all courts in the State of Oregon to impose "Level 3" restrictions on court operations,

NOW, THEREFORE, IT IS ORDERED that, effective immediately and until further order, the following shall be implemented:

1. Court Resources: Court staff and judges shall work remotely to the fullest extent possible. It is advisable to call ahead to confirm availability of in-person services. There will be one "on-site" judge available at the court each day between 8:00 am and 5:00 pm. The regular 3-week "on-call" duty rotation for after-hour search warrants shall remain unchanged during the effective period of this PJO.

2. Suspended SLRs: The court hereby suspends until further notice any Benton County Court Supplemental Local Trial Court Rules (hereinafter "SLRs") that is not in agreement with this PJO, including but not limited to the following: 6.202, 7.015(4), 7.025, 7.045, 8.045(2), 9.081, 12.005(2), and 13.285.

3. Court Filings: Parties may continue to file pleadings and other documents. Parties are strongly encouraged to use e-filing to the fullest extent possible. Documents filed electronically will be processed in the normal course, but you should expect delays.

Documents will not be received for filing in court. If exhibits will be offered in court, the parties must confer and contact court staff at least two judicial days prior to the hearing to arrange for safe handling. Exhibits offered for remote proceedings shall be filed as directed in CJO 20-006.

In-person filing of documents will not be accepted or processed by clerks at the counters which will be closed to the public. The court will provide a secure drop box outside of Room 101 to receive in-person filings. The box will be checked regularly throughout the day for time sensitive filings, i.e. FAPA petitions that must be filed by 10:00 am deadline to be heard that day, or other documents marked urgent to meet a statutory, ORCP, UTCR or SLR filing deadline. All other documents will remain in the box for at least 24 hours before they are processed by court staff, therefore you should expect slower than normal document processing times. Documents filed in-person in anticipation of a hearing must be deposited in the box at least 24 hours before the scheduled start of the hearing.

4. Court Hearings: The Court will hold only those types of hearings listed in CJO 20-006 and any amendments thereto. Attorneys and parties should plan to appear remotely for all

hearings unless otherwise specified herein or an exception has been granted by the court. A general schedule calendar is attached hereto as Appendix A.

A. Definitions:

- a) "Hearing(s)" means all scheduled court proceedings, including trials.
- b) "In-person" means hearings conducted in Courtroom 1 with the on-site judge presiding in a manner that observes minimum social distancing as defined in CJO 20-006. All surfaces will be regularly sanitized to the fullest extent possible.
- c) "Remote" or "remotely" means conducting a hearing by television, telephone or other two-way electronic communication device as permitted by statute, court rule, CJO 20-006, or any amendments thereto. Hearing participants will be given an IP address or phone number and access code prior to each scheduled event.

B. Criminal:

- a) Trials for in-custody defendants with 60-day or speedy trial time limitations will be held in person as described in CJO 20-006.
- b) Unless otherwise required or ordered by the court, all other criminal hearings as defined in CJO 20-006 will be conducted remotely. In-custody defendants will appear by video. Defense attorneys will have the ability to speak privately with their client during the hearing if requested.
- c) Case management hearings (hereinafter "PADs") will continue to be held on Monday and Thursday at 10:30 am.
- d) Arraignments of in-custody defendants will continue to be held each day at 1:30 pm. An attorney will be appointed at arraignment for all in-custody defendants without application. The same Benton County Legal Defense Consortium (hereinafter "BCLDC") attorney will be appointed to all defendants appearing during that session subject to reappointment by BCLDC due to conflict.
- e) Defendants that remain in custody following arraignment will be scheduled for a PAD the following week at which time their case will be assigned to a judge. Future case management hearings on these cases will be held with the on-site judge regardless of the judicial assignment.
- f) All preliminary hearings and all in-custody release hearings, probation violation hearings, plea and/or sentencing hearings, aid-and-assist hearings and any other hearing that will directly lead to the release of the defendant or the resolution of the case will be scheduled between 8:30 am and 10:30 am Monday and Thursday. Defense attorneys shall send signed plea petitions to the prosecutor at least 2 hours prior to the hearing. The prosecutor shall then sign and email the plea petition to the courtroom clerk prior to the scheduled start of the hearing.
- g) All out-of-custody arraignments will be held each Tuesday and Wednesday at 10:00 am. An attorney will be appointed at arraignment for out-of-custody defendants without application. The same Benton County Legal Defense Consortium (hereinafter "BCLDC") attorney will be appointed to all

defendants appearing during that session subject to reappointment by BCLDC due to conflict. The appointed attorney shall return a signed conditional release agreement to the court within 10 judicial days of appointment.

C. Juvenile Delinquency:

- a) Contested fact finding hearings for youth held in detention will be held as described in CJO 20-006.
- b) In-custody arraignments and detention review hearings will be held remotely at 1:15 pm each day.
- c) JPADs will be held remotely at 4:00 pm every Friday.

D. Juvenile Dependency:

- a) All hearings will be conducted remotely.
- b) Shelter/Protective Order hearings will continue to be held at 1:00 pm each day.
- c) Jurisdiction, disposition, permanency, and hearings on motions to dismiss or motions by parents for parenting time will be scheduled on Fridays between 8:30 am and 5:00 pm.

E. Civil Commitment: Hearings will be conducted remotely between 2:00 pm and 5:00 pm on Monday through Thursday.

F. Drug Treatment Court: DTC proceedings are deemed necessary and will be conducted remotely each Wednesday between 3:30 pm and 5:00 pm.

G. Domestic Relations:

- a) Parties may still file pleadings and other documents, but if they are not one of the limited hearing types that must be heard as listed in CJO 20-006, they will not advance. That is, if you file a request for an order to show cause, or a contempt, you may do so and preserve timelines, but you will not get a first appearance date.
- b) Mandatory parent education requirements set forth in SLR 8.011 continue in effect. Parent education classes shall be conducted as an ancillary proceeding in accordance with paragraph 4(b) of CJO 20-006.
- c) Mandatory mediation requirements set forth in SLR 12.005 shall continue in effect, except that there will be no mediation orientation conducted at the courthouse. Parties will be assigned a mediator by the court clerk. Mediation shall be conducted as an ancillary proceeding in accordance with paragraph 4(b) of CJO 20-006.
- d) Motions for temporary relief pursuant to ORS 107.095 and Benton County Circuit Court SLR 8.041 may be filed and will continue to be determined in the usual course without hearing. Hearings to contest the Court's ruling on temporary exclusive use of the family residence, custody or parenting time will not be scheduled until further notice.

- e) Ex-parte applications for FAPA, EPPDAPA, SAPO, Stalking, Order of Assistance, and Immediate Danger proceedings will continue to be heard remotely at 11:30 am each day.
  - f) First appearance dates for Opposing Party in FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, and Expedited Parenting Time Enforcement proceedings (ORS 107.434) will be scheduled at 9:30 am on Tuesday and Wednesday.
  - g) Contested hearings in FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, and Expedited Parenting Time Enforcement proceedings will be held remotely between 2:00 pm and 5:00 pm Monday through Thursday.
- H. Civil: All general civil motion hearings and trials not listed in CJO 20-006 are postponed and will be rescheduled by the court for a date after June 1, 2020.
- I. Probate: Contested temporary guardianship and conservatorship hearings will be held remotely between 2:00 pm and 5:00 pm Monday through Thursday.
- J. Small Claims/Violations/FEDs:
- a) All small claims and violations trials are postponed.
  - b) All FED first appearances and trials are postponed as required by CJO 20-006.

5. Exceptions: The measures set forth in CJO 20-006 and this PJO are intended to protect the health and safety of court staff, litigants and their attorneys, and the public. Although paragraph 8(a) of CJO 20-006 grants the Presiding Judge authority to grant exceptions to the CJO, it is the intention of this court to only allow exceptions in those cases where there is a showing that postponement of the proceeding will cause irreparable harm to a party which outweighs the need to protect the health and safety of court staff, litigants and their attorneys, and the public. Any request for an exception shall be made by filing a motion with supporting affidavit setting forth the irreparable harm and efforts to confer with opposing counsel or party to resolve the issue. All such motions shall be decided by the Presiding Judge without a hearing.

This PJO shall remain in effect for the same period of time as the CJO 20-006.

DATED this 27<sup>th</sup> day of March, 2020.



Locke A. Williams, Presiding Judge  
21<sup>st</sup> Judicial District

**APPENDIX A**

<b>MONDAY</b>	<b>TUESDAY</b>	<b>WEDNESDAY</b>	<b>THURSDAY</b>	<b>FRIDAY</b>
8:30 - 10:30 am In-custody PV, PS, PC hearings	8:30 - 9:30 am Misc. matters	8:30 - 9:30 am Misc. matters	8:30 - 10:30 am In-custody PV, PS, PC hearings	8:30 - 11:30 am Juvenile matters
	9:30 - 10:00 am 1st appearance Opposing Party: FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, Expedited PTE	9:30 - 10:00 am 1st appearance Opposing Party: FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, Expedited PTE		
	10:00 - 11:30 am Out-of-custody arraignments	10:00 - 11:30 am Out-of-custody arraignments	10:30 - 11:30 am PADs	
10:30 - 11:30 am PADs				
11:30 am Ex-parte appearances: FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, Expedited PTE	11:30 am Ex-parte appearances: FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, Expedited PTE	11:30 am Ex-parte appearances: FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, Expedited PTE	11:30 am Ex-parte appearances: FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, Expedited PTE	11:30 am Ex-parte appearances: FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, Expedited PTE
1:00 pm Shelter hearings	1:00 pm Shelter hearings	1:00 pm Shelter hearings	1:00 pm Shelter hearings	1:00 pm Shelter hearings
1:15 pm Detention hearings	1:15 pm Detention hearings	1:15 pm Detention hearings	1:15 pm Detention hearings	1:15 pm Detention hearings
1:30 pm In-custody arraignments	1:30 pm In-custody arraignments	1:30 pm In-custody arraignments	1:30 pm In-custody arraignments	1:30 pm In-custody arraignments
2:00 - 5:00 pm Contested Hearings: Commitment Hearings, Probate, FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, Expedited PTE	2:00 - 5:00 pm Contested Hearings: Commitment Hearings, Probate, FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, Expedited PTE	2:00 - 5:00 pm Contested Hearings: Commitment Hearings, Probate, FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, Expedited PTE	2:00 - 5:00 pm Contested Hearings: Commitment Hearings, Probate, FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, Expedited PTE	2:00 - 5:00 pm Juvenile Matters / JPADS