

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
THE COVID-19 PANDEMIC)

IT APPEARING TO THE COURT that Chief Justice Order 20-006 (hereinafter “CJO”) dated March 16, 2020, orders all courts in the State of Oregon to impose “Level 3” restrictions on court operations,

NOW, THEREFORE, IT IS ORDERED THAT:

Court resources: Court staff will be working remotely to the greatest extent possible, so it is advisable to call ahead to confirm availability of in-person service. There will be one judge available at the court each day between 8:00 am and 5:00 pm. The judge assignment (or duty judge) will rotate weekly. Other judges will work remotely from home.

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 that require a judge’s signature are being processed in the normal course. Documents that are filed in anticipation of a court hearing, i.e. plea petitions, etc., must be e-filed at least 24 hours before the hearing start time.

Filing of hard copies of document will not be received in court. Reasonable and practical precaution must be taken when handling or offering exhibits in court.

Filing of hard copies of document will not be received or processed by clerks at the counter. The court will provide a secure drop box outside of Room 101 to receive hard copy filings. The box will be checked every 2 hours 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 36 hours before they are processed by court staff. Hard copies of documents that are filed in anticipation of a court hearing, i.e. plea petitions, etc., must be deposited in the box at least 36 hours before the hearing start time. Most court staff are working remotely which may cause further delay to our normal processing times.

Court hearings: **The Court will hold only those types of hearings listed in CJO 20-006 (hereinafter “CJO”) and any related CJOs filed after this PJO. All hearings will be conducted remotely by video or telephone conference to the fullest extent possible.** Hearing participants will be given a phone number and access code for each scheduled event in the hearing notice.

All in-person hearings will be conducted in Courtroom 1 in a manner that observes minimum social distancing of 3 feet. All surfaces will be sanitized to the fullest extent possible.

Family:

- 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 the CJO, 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.
- 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.
- Ex-parte applications for FAPA, EPPDAPA, SAPO, Stalking, and Immediate Danger proceedings will continue to be heard at 11:30 am each day.
- 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 Tuesdays and Thursdays.
- Contested hearings in FAPA, EPPDAPA, SAPO, Stalking, Immediate Danger, and Expedited Parenting Time Enforcement proceedings will be scheduled between 2:00 pm and 5:00 pm each day.

Criminal:

- All in-custody defendants will appear by video.
- In-custody arraignments 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 defense attorney present at arraignment will be appointed subject to reappointment by BCDC.
- New in-custody defendants that will continue to be held in custody will be scheduled for a PAD the following Tuesday or Thursday at 8:30 am at which time they will be assigned to a judge. Future status hearings on these cases will be held on Tuesday or Thursday at 8:30 am with the duty judge regardless of judge assigned to the case.
- All out-of-custody PADs and arraignments will be continued to a later date, to be determined.
- In-custody trials will be held as described in CJO 20-006 paragraph 2(b).
- In-custody PV, plea/sentencing, and probable cause hearings will be scheduled at 10:00 am each day.

Juvenile:

- Shelter/Protective Order hearings will continue to be held at 1:00 pm each day before Judge Williams if possible. Hearings will be conducted remotely using the DHS conference phone line whenever possible. DHS will provide a phone number and access code to all hearing participants for each scheduled event.
- At this time, all jurisdictional and or dispositional, review and permanency hearings are being postponed. The policy is currently under statewide review and may be changed soon.
- In-custody arraignments and detention review hearings will continue to be held at 1:15 pm each day before Judge Williams if possible.

Small claims/Violations/FEDs:

- All small claims and violations trials are postponed.
- All FED first appearances and trials are postponed. See CJO 20-006 paragraph 3 for further information.

Civil Commitment:

- Hearings will be scheduled between 2:00 pm and 5:00 pm each day and will be conducted remotely by video or telephone conference to the fullest extent possible.

Drug Treatment Court:

- DTC appearances are postponed until further notice.

Civil:

- All hearings on civil motions and trials not listed in the CJO are postponed or will not be scheduled until further notice.

Exceptions: Please **do not ask for an exception** to the CJO or this PJO. In order for the court to actively participate in social distancing, and to protect our patrons and staff, we cannot make exceptions. No hearings will be scheduled unless they are listed in the CJO or PJO, period, even if by phone or video.

At this time, the CJO is in effect until March 27, 2020, but we are preparing as though this will continue for several more weeks. If the CJO is extended or modified, this PJO shall remain in effect and be automatically extended for the same period.

DATED this 18th day of March, 2020.



Locke A. Williams, Presiding Judge
21st Judicial District