

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

IN THE MATTER OF )  
MODIFYING COURT OPERATIONS )  
DURING THE COVID-19 PANDEMIC, ) ORDER 21-007  
INCLUDING THE CONTINUED USE )  
OF REMOTE PROCEEDINGS )

IT APPEARING TO THE COURT that Chief Justice Order 21-050 (hereinafter “CJO 21-050”) effective November 29, 2021, updated directives relating to court operations for Oregon courts by lifting or otherwise modifying social distancing requirements; that the Benton County Circuit Court plans to resume in-person proceedings on November 29, 2021; that the extensive use of remote proceedings via the WebEx platform since the imposition of Covid-19 restrictions has demonstrated the ability of the court to expand the use of remote proceedings; and that users of the court have identified benefits of the use of remote technology and have requested the continued use of same in certain types of proceedings,

NOW, THEREFORE, IT IS ORDERED that effective November 29, 2021 and until further order, the following shall apply:

1. Court Hearings: Attorneys and parties should plan to appear in-person for all hearings unless otherwise specified herein or an exception has been granted by the Presiding Judge or the assigned judge. Remote hearings shall be conducted using the WebEx platform unless otherwise specified by the Presiding Judge or the assigned judge.

A. Criminal:

- a) Attorneys appearing for in-custody arraignments or other appearances at 1:30 pm each day may appear remotely.
- b) Unassigned case management hearings (hereinafter “PADs”) will be held remotely on Monday and Thursday at 10:30 am.
- c) Assigned case management hearings at 8:30 am will be held remotely.
- d) Change of pleas and sentencing proceedings may be conducted remotely at the discretion of the judge if the state and the defendant agree. For all plea and sentencing proceedings, in person and remote, defense attorneys shall send signed plea petitions to the prosecutor and the prosecutor shall then sign and email the plea petition to the appropriate courtroom clerk at least twenty-four (24) hours prior to the scheduled start of the hearing.
- e) Pretrial motion hearings of all types may be conducted remotely at the discretion of the judge if the state and the defendant agree. Exhibits must be filed at least forty-eight (48) hours (2 business days) prior to the hearing and be filed in accordance with this order.

B. Civil:

- a) Assigned case management hearings at 8:30 am will be held remotely.
- b) Pretrial motion hearings of all types may be conducted remotely at the discretion of the judge if all parties agree. Exhibits must be filed at least forty-eight (48) hours (2 business days) prior to the hearing and be filed in accordance with this order.

C. Juvenile Delinquency:

- a) Attorneys and other parties appearing for in-custody arraignments and detention review hearings at 1:15 pm each day may appear remotely.
- b) Individual JPADs may be conducted remotely at the discretion of the judge if the state, the juvenile department and the youth's attorney agree.
- c) Pretrial motion hearings of all types may be conducted remotely at the discretion of the judge if the state, the juvenile department and the youth's attorney agree. Exhibits must be filed at least forty-eight (48) hours (2 business days) prior to the hearing and be filed in accordance with this order.
- d) Admit and disposition proceedings may be conducted remotely at the discretion of the judge if the state, the juvenile department, and the youth's attorney all agree. For all admit and disposition proceedings, in person and remote, the youth's attorney shall send the signed petition to admit to the prosecutor and the appropriate courtroom clerk at least twenty-four (24) hours prior to the hearing.

D. Juvenile Dependency:

- a) Periodic review hearings, uncontested permanency hearings, and other hearing types may be conducted remotely at the discretion of the judge if all parties agree.
- b) Parties may request to appear remotely for other uncontested proceedings for good cause shown.
- c) Exhibits for hearings must be filed prior to the hearing as set forth in ORS 419B.881 and be filed in accordance with this order.

E. Domestic Relations:

- a) Assigned case management hearings at 8:30 am will be held remotely.
- b) Motion hearings of all types may be conducted remotely at the discretion of the judge if all parties agree. Exhibits must be filed at least forty-eight (48) hours (2 business days) prior to the hearing and be filed in accordance with this order.

- F. FAPA, EPPDAPA, SAPO, Stalking, Order of Assistance, and Immediate Danger:
  - a) Ex-parte applications for FAPA, EPPDAPA, SAPO, Stalking, Order of Assistance, and Immediate Danger proceedings may be conducted remotely at the discretion of the duty judge for good cause shown.
  
- G. Probate and Protective Proceedings:
  - a) Motion hearings of all types may be conducted remotely at the discretion of the judge if all parties agree. Exhibits must be filed at least forty-eight (48) hours (2 business days) prior to the hearing and be filed in accordance with this order.
  
- H. Small Claims and Violations:
  - a) Trials may be conducted remotely at the discretion of the judge if all parties agree. Exhibits must be filed at least forty-eight (48) hours (2 business days) prior to the hearing and be filed in accordance with this order.
  
- I. Forcible Entry and Detainer (FED):
  - a) Trials may be conducted remotely at the discretion of the judge if all parties agree. Exhibits must be filed at least forty-eight (48) hours (2 business days) prior to the hearing and be filed in accordance with this order.
  
- J. Mediation:
  - a) Family law and small claims mediation may be conducted remotely at the discretion of the mediator if all parties agree.

2. Exhibits for All Hearings: Exhibits must be filed electronically in the manner set forth in the *Instructions for Submitting Electronic Exhibits* available on the court's webpage.

3. Suspended SLRs: The court continues the suspension until further notice of any Benton County Court Supplemental Local Trial Court Rule (hereinafter "SLR") that is not in agreement with this PJO.


4. This order supersedes PJO 21-004 (Continuing the Use of Remote Proceedings, dated August 3, 2021) and PJO 21-006 (Reimposing Restrictions on Court Operations During the COVID-19 Pandemic, dated August 25, 2021) and shall remain in effect until further order.

5. The required use of protective face coverings in the court facility set forth in CJO 21-030 (Order Requiring Use of Protective Face Coverings in the Oregon State Courts, dated August 13, 2021) shall remain in effect until further order.

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6. This order takes effect November 29, 2021.

DATED this 19<sup>th</sup> day of November, 2021.

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