

IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
FOR THE TWENTY-THIRD JUDICIAL DISTRICT  
LINN COUNTY

IN THE MATTER OF SETTING	)	Presiding Judge Order
COURT VISITOR QUALIFICATIONS,	)	20-011
FEE SCHEDULES, AND STANDARDS	)	
	)	
	)	
Pursuant to ORS 125.150 through 125.170,	)	

It is hereby ordered

- 1) Court visitors shall have the following qualifications:
  - a. A license in good standing in any state as any of the following – licensed professional counselor, licensed marriage and family therapist, licensed clinical social worker, registered nurse, attorney, or
  - b. A post-graduate degree (e.g. MSW, MSN, MSc) or other master’s degree with substantial work in behavioral science and at least two years of relevant experience, a Juris Doctorate, or,
  - c. The presiding Judge or designee may determine whether the proposed visitor’s experience is sufficient, and for good cause may allow appropriate substitutions for the above education and experience requirements.
- 2) Visitors shall have the following training:
  - a. Visitors shall view the “What You Need to Know as a Court Visitor” training video (link available upon request) and read the Linn County Visitor Handbook. After viewing the video and reading the handbook, the visitor shall file a certificate provided by the court certifying the training requirements have been met. This requirement must be completed and approved before the visitor can be appointed to any matter.
- 3) The presiding Judge or designee shall have the sole and absolute discretion to place or remove a person on the approved visitor’s list.
- 4) Visitors shall utilize the following standards and procedures in the performance of

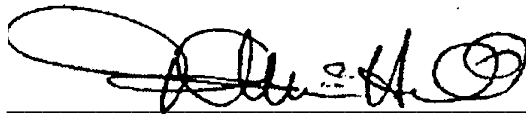
their duties:

- a. Visitors shall visit and interview the protected person within 36 hours of appointment.
  - b. Visitors shall interview persons deemed by the visitor to possess relevant information.
  - c. Visitors shall review available records regarding the respondent and the need for a fiduciary.
  - d. Visitors shall comply with ORS 125.150(3-10).
  - e. The visitor's report shall comply with ORS 125.155 and be in the form prescribed by UTCR 9.400.1.
  - f. The visitor shall be present at any hearing on objections to the appointment of a fiduciary as required by ORS 125.155(5). The visitor's fee for attendance or testimony shall not exceed \$75 per hour.
  - g. The court visitor shall investigate and report to the court, interview persons with significant information about Respondent's functional ability and alleged incapacity including but not limited to, physicians and psychologists who have examined or treated respondent, and provide a written report using the court approved format to the court within 15 calendar days after appointment and five court days for emergency cases.
- 5) For cases filed after April 1, 2016, the visitor fee shall be set at a flat rate of \$350 per case to be tendered by petitioners at the time of filing. Upon petition to the court by the court visitor, further compensation determined to be just and reasonable may be allowed by the court for any extraordinary investigation, attendance at court hearings, and/or atypical amount of time required of the visitor in a case. Additional compensation shall be paid at the rate of \$75 per hour. When petitioning for further compensation, a visitor shall utilize the same procedural process as a petition of attorney fees in cases under ORS Chapter 125.

This order supersedes previous order PJ16-001.

Dated this 14th of October, 2020.

Signed: 10/14/2020 05:11.PM

A handwritten signature in black ink, appearing to read 'T. McHill', written over a horizontal line.

**Circuit Court Judge, Thomas A. McHill**