

1 IN THE CIRCUIT COURT OF STATE OF OREGON
2 FOR MARION COUNTY

3 In the Matter of)
4) 21MARPJO No. 21-18
5 Marion County Circuit Court)
6) PRESIDING JUDGE ORDER
7) **ADOPTING CJO 21-035 AND**
8) **IMPLEMENTING UPDATED**
9) **DIRECTIVES RELATING TO**
10) **COURT OPERATIONS**
11)
12)

13 On September 7, 2021, Chief Justice Walters issued Chief Justice Order 21-035 Imposing
14 Updated Social Distancing Requirement for Oregon state courts.

15 ORS 1.171(2) provides that, to facilitate exercise of administration and supervision over
16 the circuit court of the district consistent with applicable provisions of law, the Presiding Judge
17 may apportion and otherwise regulate the disposition of the judicial business of the circuit court
18 of the judicial district, and make rules, issue orders, and take other appropriate action to that
19 exercise; and ORS 1.171(3) provides that the Presiding Judge may assign actions and
20 proceedings pending before a court to other judges of the judicial district for hearing and
21 disposition; and ORS 1.171(4) provides that a Presiding Judge may delegate the exercise of any
22 of the administrative powers of the Presiding Judge to another judge of the court or to the Trial
23 Court Administrator.

24 IT IS HEREBY ORDERED the Marion County Circuit Court fully adopts provisions of
25 CJO 21-035 and implements the following updated directives relating to court operations:

- 26 1. Definitions
- 27 a. “Court facility” means the courthouse or any alternative physical location being
28 used by the court or the Office of the State Court Administrator, but not any part
29 of a building or location that is not under the court’s control.
 - 30 b. “Presiding Judge” means the presiding judge of a judicial district.
 - 31 c. “Social distancing” means the minimum amount of physical distance between
32 each person. As of the date of this order, pursuant to CDC recommendations, the
33 distance is 6 feet between each person.
- 34 2. Protective measures:
- 35 a. To ensure the safety of all court users, **every person entering a court facility**
36 **(including remote locations utilized as a court facility) must wear a facial**
37 **covering as directed in CJO 21-030.** Any person seeking an exemption must
38 request and obtain the exemption prior to entering any court facility. To request

1 an exemption or to determine if you qualify, please see our website or call 503-
2 588-5105.

3 **b. No person experiencing any symptoms of COVID-19 shall enter any court**
4 **facility** without approval from the Presiding Judge, Trial Court Administrator, or
5 their designee. Symptoms include:

- 6 • Fever or chills
- 7 • Cough
- 8 • Shortness of breath or difficulty breathing
- 9 • Fatigue
- 10 • Muscle or body aches
- 11 • Headache
- 12 • New loss of taste or smell
- 13 • Sore throat
- 14 • Congestion or runny nose
- 15 • Nausea or vomiting
- 16 • Diarrhea

17 If you are experiencing any symptoms of COVID-19, please *stay home* and
18 contact the court at 503-588-5632 or the lawyer requesting your appearance for
19 further instructions.

20 **c. No person who has knowingly been exposed** (more than 15 minutes of close
21 contact without a facial covering) to another person who:

- 22 • Is experiencing any symptoms of COVID-19,
- 23 • Has received a positive test result for COVID-19 within the last 14 days,
24 or
- 25 • Is awaiting the results of a COVID-19 test

26 **shall enter any court facility** without approval from the Presiding Judge, Trial
Court Administrator, or their designee. If you have been exposed, please *stay*
home and contact the court at 503-588-5632 or the lawyer requesting your
appearance for further instructions.

d. No person who has traveled out of the state of Oregon within the last 14 days
shall enter any court facility without approval from the Presiding Judge, Trial
Court Administrator, or their designee. If you have traveled out of the state of
Oregon within the last 14 days, please *stay home* and contact the court at 503-
588-5632 or the lawyer requesting your appearance for further instructions.

e. Court users who seek to mitigate the risk of exposure to COVID-19 may
request that protective measures be taken during any court proceeding
including but not limited to:

- Requiring the requesting individual to wear a protective face covering or,
in addition to or in lieu of doing so, requiring a face shield or use a
protective physical barrier.
- Requiring that particular individuals wear protective face coverings.
- Requiring or maintaining social distancing.

- Rescheduling a proceeding to a date or time when the risk of exposure to COVID-19 may be reduced; or
- Permitting or requiring that certain appearances by made or testimony given, or the proceeding be conducted, by remote means.

Requests for protective measures should be made at least three (3) judicial days prior to any scheduled proceeding to ensure the protective measures can be implemented at the time of the proceeding. To request a protective measure, please call the assigned judge’s office or 503-588-5632

f. **Social Distancing will be maintained** in all court controlled public areas of court facilities EXCEPT:

- The Presiding Judge may direct that other sufficiently protective measure(s) can be taken in a particular proceeding.
- A judge presiding over a proceeding may grant an exception to members of the same household attending the proceeding
- A judge presiding over a proceeding may temporarily permit a lawyer and client to confer at a distance closer than 6 feet.

3. Mode and location of proceedings

a. **JURY DUTY:**

- If you have been summoned for **Jury Duty**, please call the number on your juror summons after 5:00 p.m. the day before you are summoned to report to find out if you need to appear for service. If you are in a “high risk” group as defined by the CDC ([People with Certain Medical Conditions | CDC](#)) or are currently experiencing symptoms of COVID-19, please contact the jury office at MAR.Jury@ojd.state.or.us, the preferred contact method, or by telephone at 503-588-5371.
- If you have further questions about jury duty, please check our web site at: <https://www.courts.oregon.gov/courts/marion/jury/Pages/jury-schedule.aspx>

b. **GRAND JURY:**

- If you have been summoned for **Grand Jury**, please report as instructed. If you are in a “high risk” group as defined by the CDC ([People with Certain Medical Conditions | CDC](#)) or are currently experiencing symptoms of COVID-19, please contact the jury office at MAR.Jury@ojd.state.or.us, the preferred contact method, or by telephone at 503-588-5371.
- Witnesses for Grand Jury shall testify in-person if reasonably feasible.
- If you have further questions about jury duty, please check our web site at: <https://www.courts.oregon.gov/courts/marion/jury/Pages/jury-schedule.aspx>

c. **CRIMINAL:**

- **Trials**
 - **In-custody jury trials** will proceed as scheduled unless the Presiding Judge determines there is good cause to postpone a particular trial. All in-custody jury trials will occur in-person in the Courthouse with the

1 assigned judge. A judge presiding over an in-custody jury trial may
2 allow portions of the trial to be conducted remotely.

- 3 ○ **In-custody bench trials** (including trials on contempt charges) will
4 proceed as scheduled unless the Presiding Judge determines there is
5 good cause to postpone a particular trial. All in-custody bench trials
6 will occur in-person in the Courthouse with the assigned judge. A
7 judge presiding over an in-custody bench trial may allow portions of
8 the trial to be conducted remotely.
- 9 ○ **Out-of-custody jury trials** will proceed as scheduled unless the
10 Presiding Judge determines there is good cause to postpone a
11 particular trial. All out-of-custody jury trials will occur in-person in
12 the Courthouse or at a remote court facility with the assigned judge. A
13 judge presiding over an out-custody jury trial may allow portions of
14 the trial to be conducted remotely.
- 15 ○ **Out-of-custody bench trials** (including trials on contempt charges)
16 will proceed as scheduled unless the Presiding Judge determines there
17 is good cause to postpone a particular trial. All trials will occur in-
18 person in the Courthouse or at a remote court facility with the assigned
19 judge. A judge presiding over an out-of-custody bench trial may allow
20 portions of the trial to be conducted remotely.
- 21 ○ **If adequate staffing or facilities are NOT available, trial priority**
22 will be based on custody status (in-custody over out-of-custody), the
23 charge (Ballot Measure 11 cases over non-Ballot Measure 11 cases),
24 and age of case EXCEPT no jury trial scheduled for more than 5 days
25 shall proceed without permission of the Presiding Judge. The
26 Presiding Judge may consider other factors in determining trial
priority.

- **Status Conferences and Pretrial Hearings**

- The court will conduct status conferences and pretrial hearings as
scheduled on all criminal cases. Such proceedings shall be conducted
by remote means.
 - **Out-of-custody** defendants are required to sign a written
acknowledgement of the next court date following each status
conference. Defendants may sign written acknowledgments at
the “Self-Serve Station” located in the first-floor lobby next to
the Information Window any time after the status conference
but before 5:00 pm on the date of the status conference.
 - **Out-of-custody** defendants are required appear in-person for
the pretrial at the assigned trial judge’s office.

- **Hearings**

- Arraignments, probation violation hearings, pleas/sentencings,
probable cause hearings, and release hearings will proceed as
scheduled in-person at the annex or in the Courthouse with the
assigned judge.

- Hearings on motions will proceed by remote means **UNLESS** ordered to proceed in-person by the assigned judge.
 - **Settlement Conferences**
 - On **in-custody** criminal cases, may be scheduled and may proceed as previously scheduled with the selected judge in-person at the Courthouse or Criminal Court Annex unless the defendant is being held in a DOC facility or an out of county jail, then by remote means.
 - On **out-of-custody** cases, may be scheduled and may proceed as previously scheduled with the selected judge in-person at the Courthouse or other court facility if sufficient staffing and facilities are available, otherwise by remote means.
 - If you have questions about arraignments and other matters occurring at the Criminal Court Annex, please call 503-588-8489.
 - If you have further questions about settlement conferences or trials scheduled at a remote court facility or related calendaring, please call 503-588-5030.
 - If you have further questions about criminal calendaring, please contact the assigned judge's office.
- d. **CIVIL (Excluding Post-Conviction and Habeas):**
- **Trials**
 - **Civil jury trials and bench trials** will proceed as scheduled unless the Presiding Judge determines there is good cause to postpone a particular trial. All trials will occur in-person in the Courthouse or at a remote court facility with the assigned judge.
 - **If adequate staffing or facilities are NOT available, trial priority** will be based on case type (criminal cases over civil cases) EXCEPT no jury trial scheduled for more than 5 days shall proceed without permission of the Presiding Judge. The Presiding Judge may consider other factors in determining trial priority.
 - **Status Conferences and Pretrial Hearings**
 - The court will conduct status conferences and pretrial hearings as scheduled on all civil cases. Such proceedings shall be conducted by remote means.
 - **Hearings on Motions**
 - All hearings on motions will proceed by remote means **UNLESS** ordered to proceed in-person by the assigned judge.
 - A party must file a Motion for In-Person Hearing with the Presiding Judge if they wish for a hearing to proceed in-person
 - **Settlement Conferences**
 - May be scheduled and may proceed as previously scheduled with the selected judge in-person at the Courthouse or other court facility if

1 sufficient staffing and facilities are available, otherwise by remote
2 means.

- 3 • If you have further questions about civil calendaring, please contact the
4 assigned judge's office.

5 e. **CIVIL COMMITMENT PROCEEDINGS:**

- 6 • All civil commitment proceedings shall proceed as scheduled and shall be
7 scheduled in accordance with the court's regular scheduling procedures to be
8 heard by remote means on the Miscellaneous Docket.
- 9 • A party must file a Motion for In-Person Hearing with the Presiding Judge if
10 they wish for a hearing to proceed in-person prior to April 1, 2021.
- 11 • If you have further questions about the Miscellaneous Docket, please call 503-
12 588-5135

13 f. **EXPUNGMENTS:**

- 14 • **Hearings on expungements** shall proceed as scheduled by remote means.
- 15 • If you have further questions about Expungement cases, please call 503-588-
16 5105.

17 g. **FAMILY LAW PROCEEDINGS:**

- 18 • **Hearings on Petitions and Motions** (including but not limited to petitions for
19 divorce, custody, or support and motions to modify, for immediate danger
20 orders, to enforce parenting time, for status quo orders, or for temporary
21 orders):
 - 22 ○ Shall **proceed as scheduled** with the assigned judge by remote means
23 *UNLESS* ordered to proceed in-person by the assigned judge.
 - 24 ○ A party must file a Motion for In-Person Hearing with the assigned
25 judge if they wish for a hearing on a petition or motion to proceed in-
26 person.
- **Motions for Immediate Danger Orders**
 - Will be accepted at the accounting window Monday-Thursday before
11:00 and Fridays before 2:00 p.m. Motions filed after the deadline
will be heard the following judicial day.
 - Family Law Facilitators will be available to assist with forms.
 - Hearings will be conducted by phone on the day of the filing or the
next judicial day if the Motion is filed after the filing deadline. Court
staff will contact the filing party, and the opposing party if post-
judgment, to set up the telephone hearing.
- **Status Conferences**
 - The court will conduct status conferences and pretrial hearings as
scheduled on all family law cases. Such proceedings shall be
conducted by remote means.

- **Settlement Conferences**
 - May be scheduled and may proceed as previously scheduled with the selected judge in-person at the Courthouse or other court facility if sufficient staffing and facilities are available, otherwise by remote means.
- **Mediation Orientation**
 - Mediation Orientation for parents in custody cases will proceed by remote means.
- **Mediation** (in child custody cases)
 - May continue at the direction of the appointed mediator. Mediation may be conducted in-person or by remote means at the discretion of the mediator.
- **Support enforcement (SED)** matters will be conducted by remote means. Parties will be sent a notice with the date, time, and call-in information for the hearing. The court will make arrangements for in-custody respondents to appear by remote means.
- If you have further questions about general Family Law matters, please call 503-373-4349.
- If you have further questions about domestic relations calendaring, please contact the assigned judge’s office.

h. **HABEAS:**

- Hearings and trials will proceed as scheduled by remote means.
- If you have further questions about Habeas cases, please call the assigned judge.

i. **JUVENILE:**

- **Dependency**
 - All hearings and trials on dependency cases, EXCEPT shelter hearings, shall proceed as scheduled by remote means **UNLESS** ordered to proceed in-person by the assigned judge.
 - Shelter hearings will proceed in-person at Juvenile Court.
 - A party must file a Motion for In-Person Hearing with the assigned judge if they wish for a hearing or trial to proceed in-person.
- **Termination of Parental Rights (TPR)**
 - All hearings and trials on TPR cases shall proceed in-person with the assigned judge. The assigned judge may allow parties, attorneys, and witnesses to appear by remote means upon request.
- **Delinquency**
 - All hearings and trials on delinquency cases shall proceed in-person. The judge presiding over the hearing or trial may allow parties, attorneys, and witnesses to appear by remote means upon request.

1 j. **LANDLORD TENANT:**

- 2 • Forcible Entry and Detainer (FED) first appearances shall proceed in-person.
- 3 • Mediation on FED cases may proceed in-person following the first
- 4 appearance.
- 5 • Trials on FED cases shall proceed by remote means *UNLESS* ordered to
- 6 proceed in-person by the assigned judge.
- 7 • A party must file a Motion for In-Person Hearing with the Presiding Judge if
- 8 they wish for a FED trial to proceed in-person.
- 9 • If you have further questions about Landlord Tenant matters, please call 503-
- 10 588-5105.

11 k. **POST-CONVICTION:**

- 12 • Status conferences, hearings, and trials will proceed as scheduled by remote
- 13 means.
- 14 • If you have further questions about Post-Conviction cases, please call the
- 15 assigned judge.

16 l. **PROBATE:**

- 17 • Probate Staff are available during business hours. Please inquire at the
- 18 Information or Accounting Window.
- 19 • Temporary guardianships and temporary conservatorships will be heard in-
- 20 person or by remote means if scheduled through the Probate Department.
- 21 • All hearings on motions shall proceed by remote means.
- 22 • If you have further questions about Probate matters, please call 503-588-5141.

23 m. **PROTECTIVE PROCEEDINGS:**

- 24 • Protective Order applications, motions, and renewals (Family Abuse
- 25 Prevention Act, Elderly Person and Persons with Disabilities Prevention Act,
- 26 Sexual Abuse Protection Orders, Extreme Risk Protection Orders, and
- 27 Stalking Orders) will be accepted at the accounting window before 11:00 a.m.
- 28 each day. Petitions filed after the deadline will be heard the following judicial
- 29 day.
- 30 • Family Law Facilitators will be available to assist with forms.
- 31 • Hearings will be conducted by phone at 1:30 each judicial day by remote
- 32 means. The applicant/petitioner will be called at the time of the hearing.
- 33 • Contested hearings will be scheduled and parties will be sent notice with the
- 34 date, time, and call-in information for the hearing by remote means.
- 35 • The court will conduct in-custody violation of restraining orders (VRO)
- 36 hearings by remote means.
- 37 • If you have further questions about Protective Proceedings, please call 503-
- 38 373-4349.

39 n. **RECORDS:**

- 40 • The Records Department is closed for in-person matters. To request copies
- 41 online please see our online request form and instructions pleas at the

1 following link:

2 <https://www.courts.oregon.gov/courts/marion/records/Pages/file-copies.aspx>

3 o. **SMALL CLAIMS:**

- 4 • Small claims hearings and trials will proceed as scheduled in-person.
- 5 • If you have further questions about Small Claims cases, please call 503-588-5105.

6 p. **SPECIALTY COURTS:**

- 7 • Marion County Specialty Court proceedings are necessary for the health and wellbeing of the participants and for the safety of the community. Therefore, the following specialty courts will continue to operate by remote means or in-person as determined by the judge presiding over:
 - 8 ○ Adult Drug Court
 - 9 ○ Veterans Court
 - 10 ○ Mental Health Court
 - 11 ○ Fostering Attachment Treatment Court (FATC)
 - 12 ○ STAR Court
- 13 • If you have further questions about Adult Drug Court, Veterans Court, or Mental Health Court, please call 503-584-7741.
- 14 • If you have further questions about FATC or STAR Court, please call 503-584-4831.

15 q. **TRAFFIC:**

- 16 • **Traffic first appearances** are being handled by phone, online or by mail. **On or before** the date you are directed to appear on your citation, you must enter a plea:
 - 17 ○ If you wish to plea “Not Guilty”:
 - 18 ▪ Call 503-588-8489 option 6, or
 - 19 ▪ Mail in your response requesting a trial.
 - 20 ○ If you wish to plea “No Contest”:
 - 21 ▪ Call 1-888-564-2828, or
 - 22 ▪ Enter your “No Contest” plea on-line **ONLY IF** you are paying in full at:
 - 23 <https://www.courts.oregon.gov/services/online/Pages/epay.aspx>
 - 24 ▪ Mail your payment to the address on your citation.
- 25 • **Traffic trials** may proceed by remote means if adequate staffing and facilities are available.
- 26 • Individuals can make payments online at <https://www.courts.oregon.gov/services/online/Pages/epay.aspx>
- If you have further questions about Traffic cases, please call 503-588-8489.

27 r. **OTHER COURT PROCEEDINGS:**

- 28 • All other court proceedings not specifically addressed above shall proceed **if approved by the Presiding Judge**. The Presiding judge will determine the mode of the hearing.

1 s. **PUBLIC ACCESS:**

- 2 • Open courtrooms – Currently, all proceedings are being held in open
3 courtrooms within the Courthouse. Even if the hearing is by remote means,
4 the hearing is on the record in open court. Information about where a
5 particular hearing or trial can be observed or heard is available at the
6 Information Window or by calling 503-588-5105.
- 7 • Remote access – If a trial or hearing can be accessed remotely, that
8 information will be available on our website or by calling 503-588-5105

9 t. **PAYMENTS/COLLECTIONS:**

- 10 • The Accounting Department is open.
- 11 • We are accepting payments at the accounting window and on-line.
- 12 • Oregon Judicial Department is not referring any new cases to collections at
13 this time.
- 14 • Oregon Judicial Department asked debt collectors for delinquent accounts to
15 discontinue any new garnishment actions and provide grace periods and
16 leniency to debtors.
- 17 • Individuals can continue to make payments online at
18 <https://www.courts.oregon.gov/services/online/Pages/epay.aspx>
- 19 • Payments can also be made by calling 1-888-564-2828. This line is for
20 payments only.
- 21 • If you have further questions about payments/collections, please call 503-588-
22 5601.

23 4. Effect on other Presiding Judge Orders

- 24 a. PJO 21-18 amends PJO 21-13 (Adopting CJO 21-025 and Implementing Updated
25 Directives Relating to Court Operations). Provisions of PJO 21-18 supersede any
26 conflicting provisions of PJO 21-13.

27 5. All provision of this order shall continue until further order, and they may be amended by
28 further order.

29 6. This order takes effect on September 8, 2021

30 Dated this 7th day of September 2021



31 Tracy A. Prall
32 Presiding Judge, Marion County Circuit Court