

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

3)
4 In the Matter of) 21MARPJO No. 21-21
5)
6 Marion County Circuit Court) PRESIDING JUDGE ORDER
7) **ADOPTING CJO 21-050 AND**
8) **IMPLEMENTING UPDATED**
9) **DIRECTIVES RELATING TO**
10) **COURT OPERATIONS**
11)
12)
13)
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15)
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17 On November 15, 2021, Chief Justice Walters issued Chief Justice Order 21-050 Lifting
18 Social Distancing Requirement for Oregon state courts.

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

IT IS HEREBY ORDERED the Marion County Circuit Court fully adopts provisions of
CJO 21-050 and implements the following updated directives relating to court operations:

1. Protective measures:
 - a. Marion County Circuit Court will lift the social distancing requirement on November 29, 2021. **Court users are encouraged to continue to socially distance themselves as space is available.**
 - b. To ensure the safety of all court users, **every person entering a court facility (including remote locations utilized as a court facility) must wear a facial covering as directed in CJO 21-030.** Any person seeking an exemption must request and obtain the exemption prior to entering any court facility. To request an exemption or to determine if you qualify, please see our website or call 503-588-5105.

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

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

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

18 d. **No person who has knowingly been exposed** (more than 15 minutes of close
19 contact with OR without a facial covering) to another person who:

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

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

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

- 4 • Requiring or maintaining social distancing of 6 feet or more,
- 5 • Requiring the use of facial coverings or face shields when they are not
6 otherwise required by CJO 21-030,
- 7 • Rescheduling a proceeding to a date or time when the risk of exposure to
8 COVID-19 may be reduced, or
- 9 • Permitting or requiring that certain appearances by made or testimony
10 given, or the proceeding be conducted, by remote means.

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

1 2. Mode and location of proceedings

2 a. **JURY DUTY:**

- 3 • If you have been summoned for **Jury Duty**, please call the number on your
4 juror summons after 5:00 p.m. the day before you are summoned to report to
5 find out if you need to appear for service. If you are in a “high risk” group as
6 defined by the CDC ([People with Certain Medical Conditions | CDC](#)) or are
7 currently experiencing symptoms of COVID-19, please contact the jury office
8 at MAR.Jury@ojd.state.or.us, the preferred contact method, or by telephone at
9 503-588-5371.
10 • If you have further questions about jury duty, please check our web site at:
11 <https://www.courts.oregon.gov/courts/marion/jury/Pages/jury-schedule.aspx>

8 b. **GRAND JURY:**

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

14 c. **CRIMINAL:**

- 15 • **Trials**
16 ○ **In-custody and out-of-custody jury trials and bench trials** shall
17 proceed as scheduled unless the assigned judge or Presiding Judge
18 determines there is good cause to postpone a particular trial. All trials
19 shall occur in-person with the assigned judge. The assigned judge may
20 allow portions of the trial to be conducted by remote means.
21 ○ **If adequate staffing or facilities are NOT available, trial priority
22 shall be determined by the Presiding Judge** and will be based on
23 custody status (in-custody over out-of-custody), the charge (Ballot
24 Measure 11 cases over non-Ballot Measure 11 cases), and age of case.
25 The Presiding Judge may consider other factors in determining trial
26 priority.
- **Status Conferences and Pretrial Hearings**
○ The court will conduct status conferences and pretrial hearings as
scheduled on all criminal cases. Such proceedings may be conducted
in-person or 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

1 the Information Window any time after the status conference
2 but before 5:00 pm on the date of the status conference.

- 3 ■ **Out-of-custody** defendants are required appear in-person for
4 the pretrial at the assigned trial judge's office.
- 5 ■ Any status conference or pretrial previously scheduled to
6 proceed by remote means may proceed by remote means unless
7 otherwise ordered by the assigned judge.

- 8 • **Hearings**

- 9 ○ Arraignments, probation violation hearings, pleas/sentencings,
10 probable cause hearings, and release hearings shall proceed as
11 scheduled in-person at the annex or in the Courthouse with the
12 assigned judge.
- 13 ○ Other hearings, not listed above, may proceed in-person or by remote
14 means as determined by the judge presiding over the hearing.
- 15 ○ Any hearing previously scheduled to proceed by remote means may
16 proceed by remote means unless otherwise ordered by the judge
17 presiding over the hearing.

- 18 • **Settlement Conferences**

- 19 ○ On **in-custody** criminal cases, may proceed in-person with the selected
20 judge at the Courthouse or Criminal Court Annex unless the defendant
21 is being held in a DOC facility or an out of county jail, then by remote
22 means.
- 23 ○ On **out-of-custody** cases, may proceed in-person with the selected
24 judge at the Courthouse or other designated court facility.

- 25 • If you have questions about arraignments and other matters occurring at the
26 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** shall proceed as scheduled unless
the assigned judge or Presiding Judge determines there is good cause
to postpone a particular trial. All trials shall occur in-person with the
assigned judge. The assigned judge may allow portions of the trial to
be conducted by remote means.
- Any trial previously scheduled to proceed by remote means may
proceed by remote means unless otherwise ordered by the assigned
judge.

- **If adequate staffing or facilities are NOT available, trial priority shall be determined by the Presiding Judge** and will be based on case type (criminal cases over civil cases). 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**
 - Hearings on motions may proceed in-person or by remote means as determined by the assigned judge.
 - Any hearing previously scheduled to proceed by remote means may proceed by remote means unless otherwise ordered by the assigned judge.
 - **Settlement Conferences**
 - May proceed in-person with the selected judge at the Courthouse or other designated court facility.
 - If you have further questions about civil calendaring, please contact the assigned judge’s office.
- e. **CIVIL COMMITMENT PROCEEDINGS:**
- All civil commitment proceedings shall proceed as scheduled and shall be scheduled in accordance with the court’s regular scheduling procedures to be heard by remote means on the Miscellaneous Docket.
 - If you have further questions about the Miscellaneous Docket, please call 503-588-5135
- f. **EXPUNGEMENTS:**
- **Hearings on expungements** shall proceed as scheduled by remote means.
 - If you have further questions about Expungement cases, please call 503-588-5105.
- g. **FAMILY LAW PROCEEDINGS:**
- **Hearings on Petitions and Motions** (including but not limited to petitions for divorce, custody, or support and motions to modify, for immediate danger orders, to enforce parenting time, for status quo orders, or for temporary orders) may proceed in-person or by remote means as determined by the assigned judge. Any hearing previously scheduled to proceed by remote means may proceed by remote means unless otherwise ordered by the assigned judge.
 - **Motions for Immediate Danger Orders**
 - Family Law Facilitators will be available in-person to assist with forms.

- Motions will be accepted at the accounting window Monday-Friday before 3:30 p.m.
 - Motions filed prior to the deadline shall be scheduled for an in-person hearing on the day of filing.
 - Motions filed after the deadline may be scheduled for an in-person hearing the next judicial day.
- **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 proceed in-person with the selected judge at the Courthouse or other designated court facility.
- **Mediation Orientation**
 - Mediation Orientation for parents in custody cases shall proceed by remote means.
- **Mediation** (in child custody cases)
 - Mediation may be conducted in-person or by remote means at the discretion of the mediator.
- **Support enforcement (SED)** matters shall 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 shall proceed as scheduled by remote means.
- If you have further questions about Habeas cases, please call the assigned judge's office.

i. **JUVENILE:**

- **Dependency**
 - All hearings and trials on dependency cases may proceed in-person.
 - The judge presiding over the hearing or trial may allow parties, attorneys, and witnesses to appear by remote means upon request.
 - Any hearing or trial previously scheduled to proceed by remote means may proceed by remote means unless otherwise ordered by the judge presiding over the hearing or trial.

- **Termination of Parental Rights (TPR)**
 - All hearings and trials on TPR cases may proceed in-person with the assigned judge.
 - The assigned judge may allow parties, attorneys, and witnesses to appear by remote means upon request.
 - Any hearing or trial previously scheduled to proceed by remote means may proceed by remote means unless otherwise ordered by the judge presiding over the hearing or trial.
- **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.
 - Any hearing or trial previously scheduled to proceed by remote means may proceed by remote means unless otherwise ordered by the judge presiding over the hearing or trial.

j. **LANDLORD TENANT:**

- Forcible Entry and Detainer (FED) first appearances shall proceed in-person.
- Mediation on FED cases shall proceed in-person.
- Trials on FED cases shall proceed in-person. The judge presiding over the trial may allow parties, attorneys, and witnesses to appear by remote means at the discretion of the judge presiding over the trial.
- Any hearing or trial previously scheduled to proceed by remote means may proceed by remote means unless otherwise ordered by the judge presiding over the hearing or trial.
- If you have further questions about Landlord Tenant matters, please call 503-588-5105.

k. **POST-CONVICTION:**

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

l. **PROBATE:**

- Probate Staff are available during business hours. Please inquire at the Information or Accounting Window.
- Temporary guardianships and temporary conservatorships may be heard in-person or by remote means if scheduled through the Probate Department.
- All hearings on motions may proceed in-person. The judge presiding over the hearing may allow parties, attorneys, and witnesses to appear by remote means upon request.

- Any hearing previously scheduled to proceed by remote means may proceed by remote means unless otherwise ordered by the judge presiding over the hearing.
- If you have further questions about Probate matters, please call 503-588-5141.

m. **PROTECTIVE PROCEEDINGS:**

- Family Law Facilitators will be available in-person to assist with forms.
- Protective Order applications, motions, and renewals (Family Abuse Prevention Act, Elderly Person and Persons with Disabilities Prevention Act, Sexual Abuse Protection Orders, Extreme Risk Protection Orders, and Stalking Orders) will be accepted at the accounting window before 11:00 a.m. each day.
 - Petitions filed before the deadline shall be scheduled for an in-person hearing at 1:30 on the day of filing.
 - Petitions filed after the deadline shall be scheduled for an in-person hearing at 1:30 the next judicial day.
- Contested hearings may be scheduled in-person and parties will be sent a notice with the date and time of the hearing.
 - In-custody respondents on contested violation of restraining orders (VRO) hearings shall appear by remote means. Court staff will make arrangements for the appearance.
- Any hearing previously scheduled to proceed by remote means may proceed by remote means unless otherwise ordered by the judge presiding over the hearing.
- If you have further questions about Protective Proceedings, please call 503-373-4349.

n. **RECORDS:**

- The Records Department will be open for in-person matters.
- To request copies online, please see our online request form and instructions pleas at the following link:
<https://www.courts.oregon.gov/courts/marion/records/Pages/file-copies.aspx>
- If you have further questions about Records, please call 503-588-5105.

o. **SMALL CLAIMS:**

- Small claims hearings and trials shall proceed as scheduled in-person. The judge presiding over the hearing may allow parties and witnesses to appear by remote means upon request.
- Any hearing or trial previously scheduled to proceed by remote means may proceed by remote means unless otherwise ordered by the judge presiding over the hearing or trial.
- If you have further questions about Small Claims cases, please call 503-588-5105.

1 p. **SPECIALTY COURTS:**

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

15 q. **TRAFFIC:**

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

r. **OTHER COURT PROCEEDINGS:**

- 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.

s. **PUBLIC ACCESS:**

- Open courtrooms – Currently, all proceedings are being held in open courtrooms within the Courthouse. Even if the hearing is by remote means, the hearing is on the record in open court. Information about where a particular hearing or trial can be observed or heard is available at the Information Window or by calling 503-588-5105.

- Remote access – If a trial or hearing can be accessed remotely, that information will be available on our website or by calling 503-588-5105

t. **PAYMENTS/COLLECTIONS:**

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

3. Effect on other Presiding Judge Orders:

- a. PJO 21-18 is rescinded.

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

5. This order takes effect on November 29, 2021

Dated this 22nd day of November 2021



Tracy A. Prall
Presiding Judge, Marion County Circuit Court