

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

FILED
2020 APR 10 AM 11:27
4TH JUDICIAL DISTRICT
PRESIDING JUDGE ORDER NO. 20DR00000

In the Matter of Implementing)
Amended Chief Justice Order)
No. 20-006 in Family Law,)
Juvenile, and Probate Proceedings)
ORDER RE FAMILY LAW, JUVENILE,
AND PROBATE PROCEEDINGS DURING
COVID-19 PANDEMIC

On March 8, 2020, Oregon Governor Kate Brown issued Executive Order 20-03 declaring that the COVID-19 virus created a threat to public safety and health and constituted a statewide emergency. On March 11, 2020, the World Health Organization declared the COVID-19 virus to be a pandemic of global proportions. On March 13, 2020, U.S. President Donald Trump declared a national state of emergency related to the COVID-19 virus. On March 23, 2020, Governor Brown issued Executive Order 20-12 requiring Oregonians to stay at home and closing specified businesses.

On Monday, March 16, 2020, Oregon Supreme Court Chief Justice Martha Walters issued Order No. 20-006 imposing Level 3 restrictions on court operations due to the Governor’s emergency declaration regarding the COVID-19 virus. On March 27, 2020, Chief Justice Walters issued Amended Order No. 20-006 (“the Amended CJO”) extending the Level 3 restrictions and postponing most trials and nonessential hearings until after June 1, 2020. The Amended CJO is designed to slow the spread of the COVID-19 virus and to minimize health risks to court personnel, litigants, representatives, and others who come to courthouses, while meeting the courts’ obligations to the public. The restrictions imposed under the Amended CJO may be extended beyond June 1, 2020, depending on the circumstances surrounding the COVID-19 virus. The Amended CJO gives the Presiding Judge of each Circuit Court authority to determine whether certain family law, juvenile, and probate proceedings should be held while the Level 3 restrictions are in effect.

The conditions described above constitute good cause for delaying and limiting certain proceedings in family law, juvenile, and probate cases.

Accordingly, for the reasons stated above, I hereby ORDER as follows:

Category 1 -Mandated Essential Proceedings

In-custody juvenile delinquency adjudications—trials, pleas, and probation violation hearings—shall proceed as scheduled unless a youth moves to postpone the adjudication. Adjudications shall be conducted by remote means if reasonably feasible and permitted by law, including with the consent of the parties under ORS 419C.025. Pursuant to ORS 419C.025, a youth may waive personal appearance at the proceeding. Social distancing for all in-person participants is required at such adjudications.

Category 2 Essential Proceedings

A. Juvenile

1. Protective Custody Orders will presented to the on-call judge electronically for resolution while the Level 3 restrictions are in effect.
2. Shelter Hearings will be scheduled and heard while the Level 3 restrictions are in effect.
3. Delinquency in-custody initial appearances will be scheduled and heard while the Level 3 restrictions are in effect.
4. 10-day detention reviews and 28/56 day detention duration hearings and EM/CM reviews will be scheduled and heard while the Level 3 restrictions are in effect.
5. Jurisdiction and disposition hearings and trials, and hearings on motions to dismiss jurisdiction, shall be held while Level 3 restrictions are in effect only if the court determines the hearing is constitutionally required. A request to determine whether such a hearing is constitutionally required to be held while the Level 3 restrictions are in effect in a given case shall be presented by motion, electronically filed, with notice to all parties, to and decided by the Chief Family Law Judge. If not constitutionally required and/or the Court is not able to safely conduct such hearing, such hearings will be scheduled to occur after the Level 3 restrictions are lifted.
6. Stipulated motions to dismiss may be decided on the paper record without a hearing while the Level 3 hearings are in effect if the assigned judicial officer is satisfied that the parties have provided the court with sufficient information to decide the issue.
7. Motions on urgent matters shall be electronically filed with notice to all parties and shall be heard by the Judge of the Case while the Level 3 hearings are in effect.

B. Family Law

1. The following matters shall be scheduled and heard while the Level 3 restrictions are in effect:
 - b. Protective Order applications will be heard daily at 1:15 by one of the two judges assigned to this docket while the Level 3 restrictions are in effect.
 - c. Contested Restraining Order Hearings: While the Level 3 restrictions are in effect, there will be two hearing dockets every day and two judges are available each day for these hearings. The Clerk's Office will send out notices with the date, time, location of the hearing. Contested restraining order hearings which would ordinarily be on Trial Assignment because of the anticipated length of the hearings will be specially set to a judge's docket and notices will be sent.
 - d. Immediate Danger Motions shall be heard by the judges who preside over restraining order applications on that same docket while the Level 3 restrictions are in effect. Contested hearings on ID orders will be heard by the judge who signs the ID order and will be set on that judge's docket. ID motions in retained cases shall be presented to that retained judge. Parties must schedule those hearings directly with the retained judge.
 - e. In-custody SED matters will be scheduled and heard while the Level 3 restrictions are in effect.
 - f. In custody VROs will be scheduled and heard while the Level 3 restrictions are in effect.

2. All cases which are on the Trial Assignment docket between today and May 30 shall be re-set to a date after May 30 and notices will be sent. There will be no Trial Assignment docket. All other matters currently set on a judge's calendar between today and May 30 will be re-set to a date after May 30. Notices of new dates will be sent by the judges' staff.

C. Probate

Temporary guardianship and temporary conservatorship petitions will be scheduled and heard while the Level 3 restrictions are in effect. All other probate matters will be postponed until after the Level 3 restrictions are lifted.

Category 3 Essential Proceedings

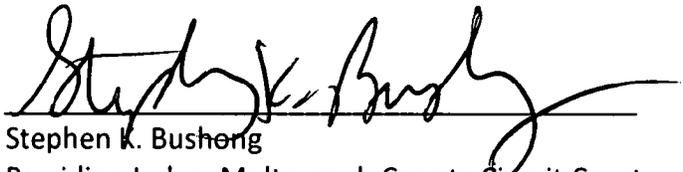
Taking into account the court’s ability to operate with minimal staffing, the safety of court staff and the public, and any constitutional or statutory mandates for timely hearings, the court concludes that all Category 3 essential proceedings in family law and juvenile dependency matters should be postponed to after June 1, 2020, or the date the Level 3 restrictions are limited, whichever is later. A party seeking to schedule a Category 3 proceeding in a Family Law case before that date may present its request by motion, electronically filed, with notice to all parties to the Chief Family Law Judge. Such requests will be granted only if the Chief Family Law Judge determines that the proceeding should occur within that time frame; that it can be conducted by remote means or that sufficient social distancing can be maintained if conducted in person; and that reasonable precautions are available to protect the health of the participants, including interpreters and court staff and that sufficient court staff and judicial officers are available to conduct such hearings.

The court will accept for filing and process stipulated orders and judgments. In addition, court staff will process all filings, notices, and other documents that can be processed remotely while the Level 3 restrictions are in effect.

A party seeking to schedule a Category 3 proceeding in a Juvenile case before that date may present its request by motion, electronically filed, with notice to all parties to the Judge of the Case. Such requests will be granted only if the Judge of the Case determines that the proceeding should occur within that time frame; that it can be conducted by remote means or that sufficient social distancing can be maintained if conducted in person; and that reasonable precautions are available to protect the health of the participants, including interpreters and court staff, and that sufficient court staff and judicial officers are available to conduct such hearings. The court will accept for filing and process stipulated orders and judgments.

This order takes effect immediately and shall remain in place until amended by further order or terminated by this court.

DATED April 10, 2020


Stephen K. Bushong
Presiding Judge, Multnomah County Circuit Court