

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

In the Matter of Implementing)
CJO 20-016)
)
) PRESIDING JUDGE ORDER NO. 20DR00000
) ORDER RE FAMILY & PROBATE PROCEEDINGS UNDER
) LEVEL 2 RESTRICTIONS¹

On March 27, 2020, Oregon Supreme Court Justice Martha Walters issued Amended Chief Justice Order 20-006 continuing the Level 3 restrictions originally imposed by Chief Justice Order on March 16, 2020. On April 10, 2020, I issued Presiding Judge Order No. 20DR00000 RE: Family Law and Juvenile Proceedings During COVID-19 Pandemic consistent with the Level 3 restrictions on court operations imposed by the earlier Chief Justice Orders. On May 15, 2020, Chief Justice Walters issued Chief Justice Order No. 20-016 (CJO 20-016), which lifted Level 3 restrictions on court operations and imposed Level 2 restrictions for judicial districts in counties approved for "Phase 1" reopening by Oregon Governor Kate Brown after the Governor's declaration of a state of emergency due to the COVID-19 pandemic. Governor Brown has deferred action for at least 1 week on Multnomah County's plan for "Phase 1" reopening on June 12, 2020. As a result, this judicial district will begin operating under Level 2 restrictions one business day after the Governor approves Multnomah County's reopening plan. The court is scheduled to move into the new Multnomah County Courthouse beginning on July 15, 2020, with the first day of proceedings in the new courthouse scheduled on July 20, 2020.

The Level 2 restrictions imposed under CJO 20-016 are designed to allow courts to offer additional court services than provided under Level 3 restrictions while continuing to minimize the spread of the COVID-19 virus and the health risks to court personnel, litigants, representatives, and others who come to courthouses. Under CJO 20-016, the Court's ability to schedule and conduct hearings and trials under Level 2 restrictions must take into account the availability of staff and judicial resources. That availability may change during the period the Level 2 restrictions are in effect.

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

All Family Law and Probate proceedings shall be conducted remotely by telephone. If a participant wishes to personally appear in the courtroom, that person shall wear a face covering pursuant to PJO 2001-00000, unless granted an exemption under the terms of that order. All participants must comply with physical distancing requirements.

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¹ This order replaces the Order re Family and Juvenile Proceedings under Level 2 restrictions issued June 11, 2012, to correct the caption.

The following proceedings shall be held under Level 2 restrictions, taking into account staff and judicial availability and the safety and health of all participants.

FAMILY LAW

Category 2 Essential Proceedings

1. Immediate Danger Motions and hearings
2. Restraining Orders and contested hearings
3. Hearings on applications for Orders of Assistance
4. Extreme Risk Protection Orders

Category 3 Essential Proceedings

1. Pre and post judgment status quo motions and hearings
2. Hearings on Enforcement of Parenting Time

OTHER COURT PROCEEDINGS

1. Motions and hearings for Temporary Relief
2. Trials on Petitions, Motions for Modification and all other matters shall resume after January 1, 2021. Trials set on an individual judge's calendar will be rescheduled by that judge to a date after January 1, 2021. Pre-trial conferences and JSCs may be set.

Trials and hearings begun prior to the imposition of Level 3 restrictions, which can be completed in one day or less, remotely, may be scheduled to conclude before January 2021. If a party objects to concluding the matter by remote means, that party has the burden to persuade the trial judge that the prejudice of remote appearance outweighs the compelling health and safety reasons to conclude the trial remotely. The parties may stipulate to finish the matter after January 2021.

3. Trial Assignment resumes June 1. New dates for trials will be set at that time.. Hearings on those matters which will be heard prior to January under this PJO will be sent out for hearing the following day.
4. Motions for Special Sets may be filed electronically and will be routed to the Chief Family Law Judge.
5. Ex parte dockets will resume.
6. Stipulated Orders and Judgments may be submitted.

- 7. Adoptions will be processed and signed.
- 8. Motions and Requests for appointment of counsel for minor children shall be directed to the Chief Family Law Judge or the retained judge, if there is one.

A party wishing to schedule a matter not permitted under Level 2 restrictions shall file a Motion, electronically, with notice to all parties, to have the matter heard and explaining the urgency and necessity of that matter being heard while Level 2 restrictions are in effect. Such Motions will be granted only if the Chief Family Law Judge determines that the proceeding is urgent, can be conducted by remote means or that sufficient physical distancing can be maintained if conducted in person, 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.

PJO 20DR0000 (custody and parenting time) and PJO 20DR0000 (OSCs re support modification) continue to be in effect.

PROBATE

Category 2 Essential Proceedings

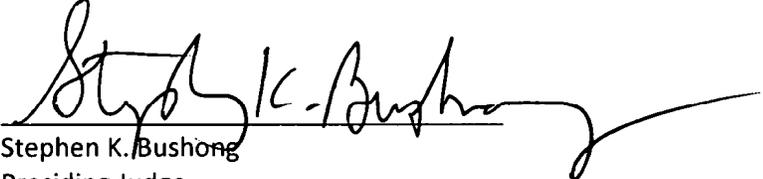
- 1. Emergency Protective Orders
- 2. Temporary Guardianships and Conservatorships

Other Court Proceedings

- 1. Motions for Expedited Hearing on Indefinite Guardianship and conservatorship to be filed electronically, with notice to all parties. These Motions will be decided by the Chief Probate Judge or his Designee.
- 2. The Probate Short Matters Docket shall resume July 20, 2020. The Court will send notices.

This order takes effect one business day after Multnomah County's Phase 1 reopening plan is approved, and shall remain in effect until amended or terminated by further order of this court.

DATED this 12th day of June, 2020.


 Stephen K. Bushong
 Presiding Judge
 Multnomah County Circuit Court