



CIRCUIT COURT OF THE STATE OF OREGON
FOURTH JUDICIAL DISTRICT
MULTNOMAH COUNTY COURTHOUSE
1021 SW FOURTH AVENUE
PORTLAND, OR 97207-1123

Patrick W. Henry
Circuit Court Judge

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DATE: July 31, 2020
TO: Probate and Elder Law Practitioners and Other Interested Parties
FROM: Hon. Patrick W. Henry, Multnomah County Chief Probate Judge
RE: Multnomah County Probate COVID-19 Update

Dear All:

This letter contains a mixture of new information and restatements about the Court's current Probate processes and procedures.

1. The following information relates to changes since the issuance of the June 15, 2020 letter.

- a. New process for certified letters has been implemented.

Multnomah County Probate has created an electronically certified version of the letters of appointment. These e-certified letters will be entered into the cases and may be printed by the attorney at no cost. Though the e-certified letters do not have an original signature, we are hopeful that they will be accepted by financial institutions. The court has also drafted a letter that you may provide to financial institutions or other interested persons describing the e-certified letters. As indicated in the letter, Probate staff are available to respond to third party questions about a fiduciary's authority at the court's email address, MUL.Probate@ojd.state.or.us.

Due to the large backlog of cases requiring the entry of these e-certified letters, please be patient as we retroactively add them to cases where letters were previously issued in cases from mid-March 2020 to present. This will take some time. We will be adding them in batches from oldest issuance of letters to newest. Inundating staff with requests will only delay the addition of all letters to cases, so please be patient while we catch up on these letters. If you need e-certified letters added to a case filed prior to 3/15/2020, please email us to request this. **No Probate Staff are physically present in the courthouse to process requests for traditional certified letters or other certified copies. Requests for traditionally certified documents require special arrangements and are only done if there is an emergency.**

The customary requirement of filing an original, hard copy of a copy of a will before the entry of letters has been suspended. The court will set a later due date for the submission of the original will. The bond requirement, if applicable, still applies and the Letters event will not be entered before the bond is approved.

b. Suspension of contested hearings except for temporary fiduciaries continues.

Pursuant to the June 15, 2020 Multnomah County Presiding Judge Order, **the only matters currently being set for an appearance will be for the appointment of a temporary fiduciary, the extension of a temporary fiduciary, or emergency protection orders.** Except as indicated below, no other hearings on contested matters are being set at this time. As of June 22, 2020, Multnomah County Courthouse is operating under Level II restrictions.

c. Expedited hearings on Indefinite Guardianship and Conservatorship matters.

A party who wishes to expedite their hearing on a Petition for Appointment of Guardian and/or Conservator for an Indefinite Period may file a motion for expedited hearing with notice to all parties. The Chief Probate Judge will determine whether an expedited hearing will be set.

d. Short matters docket.

The court resumed the short matters docket July 20, 2020. Parties may contact probate staff to request for a matter to be placed on the short matters docket.

2. The following information from the June 16, 2020 letter continues to apply:

All appearances/hearings will be conducted via telephone. Attorneys will be given call-in numbers and access codes by Probate Staff via email prior to the appearance. To the extent that a party wishes to raise an objection to any witness appearing telephonically, the objection must be raised at the time of the telephonic hearing.

File & Serve (the e-filing system) WILL be reviewed and processed every business day.

Proposed judgments and orders are being processed but expect delays. Multnomah County Probate Department staff are currently working remotely. The Probate Auditors are triaging these orders/judgments to prioritize urgent matters. If you have an emergency and need your proposed judgment/order to be expedited, you may send an email to MUL.Probate@ojd.state.or.us. Probate staff are accessing email daily.

In person paper filings are not being processed at this time. There are drop boxes set up on site for the filing of paper pleadings, but these filings will not be processed until Probate Staff return to the office. Pro se filers will be encouraged to create a File & Serve account (when possible) to reduce delays in processing these filings. File & Serve information is available here: <https://www.courts.oregon.gov/services/online/Pages/efile.aspx>

Mailed filings are being processed intermittently. One staff member works on site solely to process mail approximately every 10-14 days. Expect a delay when mailing filings to the court.

Court Visitors will need to be paid directly. This change will be in effect as long as the current

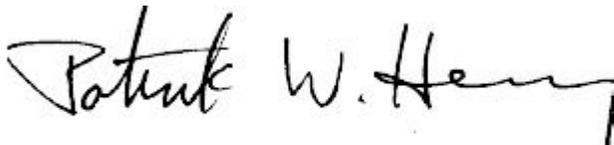
restrictions are in place. You will be expected to file proof of payment (declaration of mailing payment). Please pay the visitors immediately upon notification of the order appointing visitor. The court visitor fee is \$550.

Temporary Guardianships: Practitioners need to be aware that the Court will continue to insist that petitioners comply with legal requirements associated with protecting the rights of proposed protected persons. With that in mind, the Court recognizes that these are unprecedented and extraordinary circumstances. The meaning of “immediate and serious danger” must be evaluated in light of this global pandemic. In addition, the immediacy of the virus’ threat to elderly and otherwise medically compromised individuals may impact whether two days is a realistic timeframe for providing notice.

Nonetheless, the “clear and convincing” standard still applies and any application for waiver of notice needs to meet that exacting standard.

Thank you for your continued patience and professionalism.

Sincerely,



Circuit Court Judge Patrick W. Henry