

**NOTICE SEEKING PUBLIC COMMENT ON
OUT-OF-CYCLE AMENDMENT OF UTCR 21.010(8) & UTCR 21.070(3)(m)**
(Comment Period Closes at 5:00 p.m. on February 12, 2021)

I. INTRODUCTION

We are seeking comment on out-of-cycle amendment of Uniform Trial Court Rule (UTCR) 21.010(8) and 21.070(3)(m). Amendment of these rules was adopted out-of-cycle by [Chief Justice Order 20-031](#), effective September 1, 2020.

II. HOW TO SUBMIT COMMENTS

You may submit your comments by:

- clicking on the button below, next to each rule;
- email (utcr@ojd.state.or.us); or
- traditional mail (UTCR Reporter, Supreme Court Building, 1163 State Street, Salem, Oregon, 97301-2563).

Please submit your comments so that we receive them by 5:00 p.m. on February 12, 2021. Comments will be reviewed by the UTCR Committee at its next meeting on October 2, 2020, and again at its spring meeting on March 5, 2021, to allow additional time for comment.

III. OUT-OF-CYCLE CHANGES

For the convenience of the reader, deleted wording is shown in [*brackets and italics*] and new wording is show in {**braces, underline, and bold**}.

1. 21.010(8)

EXPLANATION

New subsection (8) defines “electronic forms system” (commonly referred to as “Guide & File”). The electronic forms system is referenced in amended 21.070(3)(m). See related item 2, below.

AMENDED RULE

21.010 DEFINITIONS

The following definitions apply to this chapter:

(1) * * *

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{(8) “Electronic forms system” means the system provided by the Oregon Judicial Department for the interactive and electronic preparation and filing of completed form documents through the electronic filing system. A filer may access the system through the Oregon Judicial Department’s website (<https://www.courts.oregon.gov/services/online/Pages/iforms.aspx>).}

2. 21.070(3)(m)

EXPLANATION

Amended 21.070(3)(m) creates an exception to the general rule that a judicial district may require conventional filing of any stipulated or *ex parte* matter by including that matter in SLR 2.501. Amended (3)(m) requires judicial districts to allow submission of documents under the Family Abuse Prevention Act (FAPA), the Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA), and the sexual abuse restraining order statutes (ORS 163.760 to 163.777) through the electronic forms system when those forms are available in that system. The electronic forms system is designed for use by self-represented litigants and provides an interactive question and answer format that allows a petitioner to file documents without the assistance of an attorney.

As of September 1, 2020, filings with the following codes will be directed to the “quick review queue:”

- Petition – Abuse Prevention (PTAB)
- Motion – Less Restrictive Terms (MOLE)
- Petition – Renewal Abuse Prevention (PTRP) (New)
- Motion – Dismissal Protective Order (MODO) (New)
- Request – Hearing Protective Order (RQHP) (New)
- Motion – Modify Protective Order (MOMP) (New)

If the document is submitted through Guide & File, it will automatically appear in the court’s quick review queue. If the document is submitted directly through File & Serve, the filer will need to be sure to select one of the above codes to direct the document to the quick review queue upon filing.

Prior to the availability of the “quick review queue,” courts disallowed electronic filing of abuse protection documents because there was no way to flag these filings for immediate review, and the abuse protection statutes require the court to hold an *ex parte* hearing on the day the petition is filed or the next judicial day. The quick review queue, and the availability of the electronic forms system for abuse protection documents, are intended to facilitate electronic submission of abuse protection documents for self-represented litigants statewide.

AMENDED RULE

21.070 SPECIAL FILING REQUIREMENTS

(1) * * *

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(3) Documents that Must be Filed Conventionally

The following documents must be filed conventionally:

(a) * * *

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(m) Any stipulated or *ex parte* matter listed in SLR 2.501 in a Judicial District's Supplementary Local Rules{, **except that documents submitted under the Family Abuse Prevention Act, the Elderly Persons and Persons with Disabilities Abuse Prevention Act, and the sexual abuse restraining order statutes (ORS 163.760 to 163.777) may be electronically submitted through the electronic forms system, when those forms are available in that system**}.

(n) * * *

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