

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

IN THE MATTER OF RESTRICTION OF
COURT OPERATIONS: COVID-19

PURSUANT TO CHIEF JUSTICE ORDER
20-016.

PRESIDING JUDGE ORDER
No. 2020-04
61-01-04610

Whereas the conditions and impacts resulting from COVID-19 are changing rapidly. In accordance with Governor Kate Brown's emergency declaration, the current thinking of experts in public health, and Chief Justice Order 20-016.

I HEREBY ORDER that while CJO 20-016 is in effect the 2nd Judicial District, Lane County Circuit Court, will comply with all provisions outlined in the order and;

I HEREBY ORDER:

1. Court Hours and Services

- A. The court's current public service hours to accept filings, take payments, and answer phones remain in effect and are as follows: Lane County Circuit Court shall be open from 8:00 a.m. to 5:00 p.m. for conducting the business of the court.
- B. The Court will continue the services of the Family Court Assistance office by remote means.
- C. All in-person services will be provided observing social distancing.
- D. All services that can be provided by alternative means such as web-based, video-conferencing and teleconferencing will be provided by those alternative means as available by law.
- E. Litigants and the public are encouraged to call the court at 541-682-4020 for information or to determine if a personal appearance is available or needed in their case.
- F. Litigants and the public are encouraged to use the court's online services available on the court's website <https://www.courts.oregon.gov/courts/lane/Pages/default.aspx> as follows:
 - a. Make payments:
<https://www.courts.oregon.gov/courts/lane/payments/Pages/default.aspx>

- b. Search for or request court records:
<https://www.courts.oregon.gov/courts/lane/records/Pages/default.aspx>
 - c. Use the courts fillable forms to complete court forms prior to filing:
<https://www.courts.oregon.gov/courts/lane/help/Pages/Forms.aspx>
 - d. Find out when to appear in court:
<https://www.courts.oregon.gov/services/online/Pages/records-calendars.aspx>
 - e. And find out information about court services during the COVID-19 pandemic.
- G. Individuals coming to the courthouse or court services at the juvenile justice center who exhibit symptoms associated with Covid-19 may be directed to leave by any judge, court manager or deputy sheriff. If so directed, the individual must leave the premises.

2. **All Trials, Hearings and Court proceedings** will be managed as set forth in the The Lane County Circuit Court Covid-19 Operations Plan, which is incorporated herein by reference and is attached hereto. The plan sets out the operations response for management of cases by docket and case or hearing type. Where the operations plan denotes delegation of the Presiding Judge’s authority to other judges, it is so ordered. The operations plan remains subject to change as technology can be feasibly implemented and will be posted on the Lane County Circuit Court website. Please check the website <https://www.courts.oregon.gov/courts/lane/Pages/default.aspx> regularly for updates.

3. In Person Proceedings

- a. All in person proceedings conducted in the courthouse shall be conducted in compliance with the social distancing requirements defined in CJO 20-016(1)(f). These social distancing requirements shall be in effect in all courtrooms and throughout all the court-controlled areas of the courthouse. “Courthouse” is defined in CJO 20-016(1)(a).
- b. Pursuant to CJO 20-016(10):
 - i. All judges and court staff shall maintain social distancing in the courthouse at all times.
 - ii. Court staff shall wear face coverings when in the public areas of the courthouse and when dealing with members of the public. At all other times, court staff shall comply with the directives of supervisors regarding face coverings.
 - iii. Judges are strongly encouraged to wear face coverings when in the public areas of the courthouse and when in close proximity to members of the public.

- iv. For proceedings held in courtrooms:
1. Members of the public shall wear face coverings unless the judge presiding over the proceeding grants an exception to this rule.
 2. Court staff shall wear face coverings if any member of the public is present in the courtroom.
 3. Attorneys and parties in a jury trial may wear face coverings during the proceeding, but if the judge presiding over the proceeding finds that the court record cannot be adequately maintained due to the face covering, the judge may require the face covering be removed when the litigant is orally addressing the court.
 4. Any judge presiding over a non-jury proceeding may require attorneys and parties to wear face coverings as a reasonable precaution to protect the health of all participants so long as the court record is adequately maintained.
 5. Attorneys and parties attending out of custody arraignments shall wear face coverings unless directed to remove them by the judge presiding over the proceeding.
 6. Jurors shall wear face coverings during a trial. However, at the discretion of the trial judge, during jury selection, the juror may be required to remove the face covering when the juror is answering questions.
 7. While a witness is testifying, the witness may not wear a face covering. See CJO 20-016(10)(b)(1).
 8. Judges have discretion regarding wearing face coverings during a court proceeding over which they are presiding but must consider the adequacy of the record in their decision.
 9. In any instance where the court is requiring a person to wear a face covering, the person may wear their own face covering or the court will provide one to them.
 10. The court will provide information on how to wear face coverings properly. All persons required to wear face coverings in courtrooms shall wear them properly. The court will provide hand sanitizer to those persons required to remove their face coverings during a court proceeding to comply with the proper use of face coverings.

11. Any member of the public going into any judge's chambers area to do business shall wear face coverings unless or until invited to remove the face covering by the judge. This includes any attorney or their employee(s) and all law enforcement personnel.
- c. All judges and court staff shall maintain vigilance about cleaning in accordance with OJD guidelines. During in person court proceedings, staff will be given strict guidelines about compliance with recommendations from the health department, including disinfecting objects and surfaces between each use.

4. Motions for a change in the mode of proceedings:

- a. Any party seeking to change a scheduled in person proceeding to a remote proceeding or a scheduled remote proceeding to an in person proceeding must file a motion with a supporting affidavit, and proposed order to the presiding judge for consideration.
- b. The supporting affidavit must include:
 - i. The reasoning and basis for the change in the mode of the proceeding, including statutes that may be implicated by the change and any statutory or constitutional rights that may be implicated by the change.
 - ii. The position of the opposing party.
- c. The presiding judge will rule upon a motion for a change in the mode of a scheduled proceeding based upon the provisions of CJO 20-016 and any applicable statute or constitutional provision.

5. Remote Hearings. In all instances where remote hearings, either via video conferencing or telephone, are contemplated by the Lane County Circuit Court Covid-19 Response Management Plan:

- a. In the pleadings, parties shall provide their email address and phone number as well as the email address and phone number of the other party if known to them.
- b. Parties are required to remain available at the phone number provided to the Court beginning at the time of the hearing and continuing until notified by the Court that their matter has concluded. If the court has determined that the remote hearing will be via video conferencing, parties shall log into the video conference via the email invitation sent either by court staff or their attorney at the time noted in the invitation.

- c. Witnesses:
 - i. Parties are required to have any witnesses available by phone either with them or at a number that can be called by the Court at the time of the hearing.
 - ii. If the witness is not immediately accessible by phone, then the Court may not hear from that witness.
- d. Exhibits:
 - i. If a party is represented by an attorney, exhibits shall be filed in accordance with CJO 20-016(7).
 - ii. If a party is not represented by an attorney, exhibits may be filed in accordance with CJO 20-016(7) or filed with the Court not later than 48 hours in advance of the hearing.
 - iii. Non-documentary exhibits, such as audio or video exhibits, are to be submitted to the court clerk's office no later than 48 hours prior to the hearing, proceeding or trial.
 - iv. Copies of **all** exhibits must be served upon the other party not later than 48 hours in advance of the hearing.
 - v. Failure to timely file and serve exhibits may result in the Court disregarding the exhibits or setting the matter over, for good cause, to allow the parties to receive and review exhibits.
- e. The Oregon Judicial Department remote hearing manual contains many guidelines for remote hearings. Lane County Circuit Court is currently utilizing GoToMeetings for video proceedings and does not intend to live stream proceedings. Thus, many of the guidelines within the manual will not apply.

6. **In Custody Criminal Proceedings.** In criminal proceedings, regardless of the Lane County Circuit Court Covid-19 Response Management Plan, the judge assigned to the proceeding has the authority to postpone the matter until the condition resolves or to hear the matter remotely if the defendant is in custody and:

- a. The defendant is in medical isolation
- b. The defendant is being held in quarantine
- c. The defendant is being held in segregation
- d. The defendant has a recent history of projecting bodily fluids at others.

7. Expectations of Attorneys

- A. Attorneys are expected to appear in-person for trials or hearings that are held in-person unless the attorney is excused, or if the Presiding Judge adopts a procedure that allows attorneys to appear remotely as reflected in the Lane County Circuit Court Covid-19 Response Management Plan. Attorneys are expected to assist the court with maintaining the health and safety of the courthouse. Attorneys shall maintain social distancing while in the courthouse.
- B. An attorney who has concerns about appearing in-person, or having their client appear in person, due to illness or COVID-19 concerns should seek to be excused, request a postponement or request to appear remotely if feasible.
- C. An attorney seeking to appear remotely at a scheduled in person court appearance due to concerns regarding COVID-19 must submit a motion with a supporting affidavit and proposed order.
 - a. The affidavit must include:
 - i. Whether the attorney or a member of the attorney's household has a concern based upon confidentially protected health information that would preclude the attorney to safely appear in person at the particular proceeding. Specific confidentially protected health information should not be included in the motion or affidavit, as the documents are a public record.
 - ii. Whether their client has been notified of and consents to the attorney appearing remotely.
 - b. If the matter is a proceeding in a criminal case and a defense attorney's request to appear remotely is allowed under this section, the defense attorney must arrange for another defense attorney to be present in person at the proceeding with the client.

8. Ancillary Proceedings

- A. Visitation for Wards of the Juvenile Court
 - a. In light of the current State of Emergency and consistent with the Governor's mandate, until May 31, 2020 or further order of the Presiding Judge, any order or judgment of the Juvenile Department of the 2nd Judicial District ordering a specific schedule for in-person visitation is suspended. During the pendency of this order, the frequency and type of visitation for all children who are wards of the court and in the custody of the Department of Human Services-Child Welfare Division (DHS) will be at the discretion of DHS. DHS may continue or suspend in-person visitation as DHS

deems necessary to maintain familial bonds and to protect the health and safety of children, parents, foster families and caseworkers.

- b. During the pendency of this order, DHS is ordered to provide alternative modes of contact between children, their parents and family. For any case where in-person visitation is suspended, DHS shall document efforts to provide alternative modes of contact. When in-person visitation is suspended, DHS shall provide notice to the court, the Department of Justice and to the attorneys of children and parents of both the suspension of in-person visits, the specific reason for the suspension of the visits and what efforts DHS has made to provide alternative modes of contact.
- c. A party may, by motion, request a hearing regarding the modification or suspension of in-person visitation. The court may set a telephonic hearing depending on the cause outlined in the motion and after balancing the health and safety of the community.

B. Closure of Placements holding Youth under the Jurisdiction of the Court (Delinquency)

- a. Any Youth under the jurisdiction of the Juvenile Department of the 2nd Judicial District under a delinquency petition, currently placed in a treatment program or closed custody pursuant to order or case plan may be moved to another program or placement without further hearing if the move is necessary due to a program closing or modifying placement due to COVID-19.
- b. The Lane County Division of Youth Services or Oregon Youth Authority shall submit a modified case plan with a cover letter or memo within three days of any move. The cover letter or memo must describe the former placement, the reason for the move, and the current placement. The cover letter or memo and the new case plan must be sent to the Court, the District Attorney and the Youth's attorney.
- c. A party may, by motion, request a hearing regarding the movement of a youth pursuant to this order. The court may set a telephonic hearing depending on the cause outlined in the motion and after balancing the health and safety of the community.

9. Lane County Circuit Court's Quarantine and Isolation Judge is: The Presiding Judge

10. Presiding Judge Authority

- A. Notwithstanding The Lane County Circuit Court Covid-19 Operations Plan, I retain discretion to order that a particular trial, hearing, or other court operation will take place in-person or by remote means on or after a certain date, after consulting with the parties and other affected persons, I determine that there is a need for the court action, that if it is in-person social distancing can be required, and that the court can order other reasonable precautions to protect the health of the participants, including court staff, and, whether in person or by remote means, that the court has sufficient staff to conduct the hearing.
- B. I hereby suspend the following Supplementary Local Rules to conform with this order and the CJO 20-006:
 - a. SLR 2.501(1)(a)-(c) and (e)-(g)
 - b. SLR 2.501(2)
 - c. SLR 2.501(4)
- C. In the event that I become unable to perform the duties of the presiding judge during these Level 2 restrictions, Judge Charles Zennaché shall have authority to act as presiding judge during my incapacity.

11. Effective Dates

As with CJO 20-016, the provisions of this order are in effect June 1, 2020 and will continue until otherwise ordered.

Dated this 22nd day of May 2020,

Signed: 5/22/2020 04:19 PM



Debra K. Vogt, Circuit Court Judge

Lane County Circuit Court Covid-19 Operations Plan – revised 5/22/2020

Level 2: Pursuant to Chief Justice Order 20-016 and PJO 2020-04, this plan restricts court proceedings and operations. This plan will last at least through 6/30/2020 and will be updated as the Court as necessary.

Docket	Case or Hearing Type	CJO 20-016 category and paragraph	Protocol (continues until resume operations in place)	Resume Operations Plan
35 Day Call	In custody	Essential Proceeding Category 1 3.a.(3)(A)	To be conducted remotely whenever feasible. NOTE: If the defendant is released on a release agreement prior to 35 day call, Pretrial is to ensure that the date set for 35 day call is after 5/31/2020. If not, set 35 day call date on release agreement for after 5/31/2020. Copies are sent to DA and defense counsel. Court clerk to postpone 35 day and send new notice.	Continue conducting hearings via remote video conferencing If defendant is released from custody. Follow 35 Day Call Out of Custody process.
35 Day Call	Out of custody	Essential Proceeding Category 2 3.b.(3)(A)(i)	Postponed by PJ until a reasonable remote hearing process is available and can be deployed. Postpone all set through 5/29/2020 to a date after 5/31/2020	Commence June 1, 2020, standard days and times: Defense to submit a written case management report form 2 days prior to scheduled date: <ol style="list-style-type: none"> 1) Report settled = set over to O/C COP and sentencing docket (remote GTM). 2) Report Settlement Conference needed = remote hearing on scheduled date (attorneys on GTM, defendant on phone with counsel) 3) Report stipulated set over request = new date set by calendar 4) Report opposed set over request = appear on scheduled date (same as #2) 5) 35 day call is to be set 60 days out.

Docket	Case or Hearing Type	CJO 20-016 category and paragraph	Protocol (continues until resume operations in place)	Resume Operations Plan
Arraignments	In custody Aid and Assist	Essential Proceeding Category 1 3.a.(3)(A)	To be held on the date scheduled. To be conducted remotely whenever feasible.	Continue conducting via remote video conferencing whenever feasible. Feasibility to be determined by the judge assigned.
Arraignments	Out of custody Citations on offenses	Essential Proceeding Category 2 3.b.(4)(A)(ii)	Postponed by PJ until a reasonable remote hearing process is available and can be deployed.	Commence June 1, 2020 daily: Defendant in person (one defendant in the courtroom at a time, monitored social distanced line in 3 rd floor lobby). Counsel may appear by telephone or in person – for telephone appearance counsel MUST notify chambers of attorney and phone number by 3pm the day before. Procedure: 3 groups of 9 scheduled 30 minutes apart beginning at 8:30 a.m. PTS to schedule and verify those on RA. Those scheduled by citation shall complete telephonic verification post-arraignment. Those scheduled by DA letter shall complete telephonic verification pre-arraignment. 8:30: Citation Appearances 9:00: Letter Appearances 9:30: Release Agreement Appearances No in person “add on” docket permitted. Such requests shall be in writing.

Docket	Case or Hearing Type	CJO 20-016 category and paragraph	Protocol (continues until resume operations in place)	Resume Operations Plan
Arraignments	Out of custody All others not covered above	Other Court Proceedings 6.a	All set through 5/30/2020 will be set over for a new date after 5/31/2020 without motion.	See out of custody arraignments above
Civil Commitments	All	Essential Proceeding Category 1 3.a.(3)(C)	To be conducted remotely whenever feasible.	Continue to be conducted remotely whenever feasible – feasibility to be determined by the judge conducting the hearing.
Criminal Motions	In custody Oral Second Look Hearings Habeas Corpus	Essential Proceeding Category 1 3.a.(3)(A)	If there is not a statutory right for a hearing to be in person under CJO 20-006(6.a.) then the proceeding will be conducted remotely. The PJ may grant a motion to appear in person with social distancing upon a showing of a need to proceed, imminent harm, or other good cause.	If there is not a statutory right for the hearing to be in person, then the proceeding will be conducted remotely. See Exhibits CJO 20-016(7) and PJO 2020-04. If there is a statutory right for the motion to be in person and Presiding Judge determines that the court has sufficient staff and can achieve social distancing, the proceeding may be held in person at the Presiding Judge’s direction.

Docket	Case or Hearing Type	CJO 20-016 category and paragraph	Protocol (continues until resume operations in place)	Resume Operations Plan
Criminal Motions	Out of custody Oral Contested Expungements	Other Court Proceedings 6.a.	Postpone all set through 5/30/2020 to a date after 5/31/2020. If parties stipulate to the Court ruling on the pleadings, Court will rule on date scheduled as if filed as non-oral. Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-006 (8.a.). If hearing is allowed, to be conducted remotely.	Postpone all set through 6/30/20 to a date after 6/30/2020. If parties stipulate to the Court ruling on the pleadings, Court will rule on date scheduled as if filed as non-oral. Parties may supplement pleadings with written final arguments. Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-016 (8.a.). If hearing is allowed, it shall be conducted remotely.
Criminal Motions	In Custody and Out of custody Non-Oral	Other Court Proceedings 6.a.	Court will rule on the pleadings in the normal course.	Court will rule on the pleadings in the normal course.
Criminal Petitions	Driver Rights Restoration Gun Rights Restoration Relief from Sex Offender Registration	Other Court Proceedings 6.a.	Postpone all set through 5/30/2020 to a date after 5/31/2020. Party may make motion to PJ for hearing prior to 6/1/2020 due to either adherence to the statutory timeline or for an exceptional circumstance CJO 20-006(8.a.). If hearing is allowed, it will be conducted remotely. See Exhibits CJO 20-006(7).	Postpone all set through 6/30/20 to a date after 6/30/2020. If parties stipulate to the Court ruling on the pleadings, Court will rule on date scheduled as if filed as non-oral. Parties may supplement pleadings with written final arguments. Party may make motion to PJ for hearing prior to 7/1/2020 due to either adherence to the statutory timeline or for an exceptional circumstance CJO 20-016(8.a.). If hearing is allowed, it shall be conducted remotely. See Exhibits CJO 20-016(7) and PJO 2020-04.

Docket	Case or Hearing Type	CJO 20-016 category and paragraph	Protocol (continues until resume operations in place)	Resume Operations Plan
Domestic Relations Status Conferences	Tuesday status hearings – Family law cases	Other Court Proceedings 6.a.	All hearings currently set thru 5/29/2020 to be set over to a date after 5/31/2020. Calendar clerk’s office to set new hearings on at issue cases on a schedule approved by the PJ.	All hearings currently set thru 6/12/2020 to be set over to a date after 6/15/2020. Anticipate commencing 6/16/2020 Remote Telephonic Hearing Procedure TBD.
Ex parte	Immediate Danger Protective Order Dismissals Order of Assistance	Essential Proceedings Category 2 3.b.(3)(B)(i),(i i),(iii),(iv)	To be conducted remotely effective 3/31/2020. The party must provide the court with a telephone number. Attorneys should eFile these proceedings.	Continue to be conducted remotely. The parties must provide the court with telephone numbers pre-hearing. Attorneys should eFile these proceedings. See Exhibits CJO 20-016(7) and PJO 2020-04.
Ex parte	All other family law ex parte matters (see above)	Other Court Services Document Filing 9.a.	Take filings at counter or via eFiling. No attorney filings in person – only eFile. Pro se filings taken over counter to be forwarded to the FCAO workflow for review and notes for judge as necessary then to appropriate judicial workflow. Documents that are filed must be dealt with by the court and not returned to party. Attorney filings ex parte – via counter or eFiling. Send to appropriate judicial workflow.	Continue prior protocol
Ex parte	Civil case matters	Other Court Services Document Filing 9.a.	Attorneys should eFile.	Continue prior protocol

Docket	Case or Hearing Type	CJO 20-016 category and paragraph	Protocol (continues until resume operations in place)	Resume Operations Plan
Juvenile	Delinquency Adjudication In custody	Trials 2.b.(1)-(4)	PJ authorizes Juvenile Judge to schedule proceedings to be held before June 1, 2020 and shall not postpone to a date later than June 1, 2020 without motion by youth. To be conducted remotely if reasonably feasible and permitted by law.	To be scheduled in normal course. To be conducted remotely if reasonably feasible and permitted by law at the discretion of the assigned judge. The presiding judge delegates the authority in CJO 20-016(2.b) to the assigned juvenile judge.
Juvenile	All other Delinquency Proceedings <u>in custody</u>	Essential Proceedings Category 2 3.b.(e)(D)(i) and (ii)	To be conducted remotely as scheduled by the juvenile judges	Continue prior protocol
Juvenile	Delinquency Out of Custody Proceedings	Other Court Proceedings 6.a. 5.a	Postpone all set through 5/30/2020 to a date after 5/31/2020 Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-006(8.a.). If hearing is allowed, to be conducted remotely if feasible and permitted by law.	Commence June 1, 2020: The assigned juvenile judge may schedule and hold these proceedings by remote means in accordance with the court's regular scheduling procedures or as required by law, but only if the court has sufficient staff to hold the proceeding and witness testimony is not required on any motion. The assigned juvenile judge may order these proceedings to occur in person at the juvenile justice courthouse upon a showing of good cause but only if the judge finds that social distancing can be maintained in the courtroom and throughout all court-controlled areas of the building, and other requirements of CJO 20-016(10) and PJO 2020-04 can be met.

Docket	Case or Hearing Type	CJO 20-016 category and paragraph	Protocol (continues until resume operations in place)	Resume Operations Plan
Juvenile	Dependency Protective Custody Shelter hearings Jurisdiction and dispo hearings if constitutionally required Hearing on objection to placement Hearing on Motion to Dismiss	Essential Proceedings Category 2 3.b.(3)(C) (i) – (v)	To be held on the date scheduled and conducted remotely if feasible and permitted by law or otherwise noted below: i. Protective Custody Order Applications ii. Shelter Hearings <ol style="list-style-type: none"> 1. Original Hearings are to be held remotely except that an attorney may appear in person if their prospective client is expected to appear in person. 2. Subsequent Shelter Hearings, including contested hearings to request or object to a change of placement, shall be set by motion. The court may set a telephonic hearing depending on the cause outlined in the motion and balancing health and safety. iii. Jurisdiction and Disposition Hearings, if constitutionally required; <ol style="list-style-type: none"> 1. If uncontested, Jurisdictional Hearings will be heard remotely by the juvenile court at the time that they are currently set 2. If contested, the parties may agree to set a contested hearing after June 1, 2020. If the parties are unable to agree to set the hearing after June 1, 2020, the party asking for a hearing sooner than June 1, 2020 shall file a motion that outlines the specific facts that support a finding that: (a) the hearing is constitutionally required, (b) the hearing cannot be postponed and (b) it is reasonably feasible that the hearing can be heard remotely. iv. Hearings on Motion to Dismiss, if constitutionally required Requests for hearings on Motions to Dismiss shall be by motion. If all parties do not agree	Commence June 1, 2020: To be scheduled in accordance with the court’s juvenile scheduling policy. This policy will consider the ability to operate with minimal staffing, the safety of the court staff and the public and any constitutional or statutory mandates for timely hearings. i. Protective Custody Order Applications ii. Shelter Hearings <ol style="list-style-type: none"> 1. Original Hearings are to be held remotely except that an attorney may appear in person if their prospective client is expected to appear in person. 2. Subsequent Shelter Hearings, including contested hearings to request or object to a change of placement, shall be set by motion. The court may set a telephonic hearing depending on the cause outlined in the motion and balancing health and safety. iii. Jurisdiction and Disposition Hearings; <ol style="list-style-type: none"> 1. If uncontested, Jurisdictional Hearings will be heard remotely by the juvenile court at the time that they are currently set. 2. If contested, the proceedings shall be conducted in accordance with the following: A party may request a hearing sooner than the scheduling policy by filing a motion that outlines the specific facts that support a finding that: a) the hearing should be heard sooner than other hearings, b) the hearing presents issues that must be resolved sooner and c) it is reasonable feasible that the hearing can be heard remotely.

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			to the Motion to Dismiss, the court may set a telephonic hearing depending on the cause outlined in the motion and balancing health and safety. UTCR 5.100 will apply to these motions.	iv. Hearings on Motion to Dismiss, if constitutionally required: Requests for hearings on Motions to Dismiss shall be by motion. If all parties do not agree to the Motion to Dismiss, the court may set a telephonic hearing depending on the cause outlined in the motion and balancing health and safety. UTCR 5.100 will apply to these motions.
Juvenile	<p>Dependency</p> <p>Jurisdiction and dispo hearings if NOT constitutionally required</p> <p>Permanency hearings</p> <p>Hearing motion to dismiss – not constitutionally required</p> <p>Hearing on motion by parent for visitation/parenting time</p> <p>And all other not specifically listed above</p>	<p>Essential Proceedings</p> <p>Category 3</p> <p>3.c.(3)(D)(i)-(iv)</p>	<p>Presiding Judge authorizes juvenile judge to schedule and conduct proceedings remotely as outlined below:</p> <p>a. Jurisdiction and Disposition Hearings, if not constitutionally required will be heard in the same manner as Category 2 Jurisdictional and Disposition Hearings.</p> <p>b. Permanency Hearings (Uncontested Change of Plan) will be by paper submission only,</p> <p>i. Any Party may file a Motion for Judicial Determination Regarding Change of Permanency Plan Based on Paper Submission with:</p> <ol style="list-style-type: none"> 1. Supporting exhibits, including court report 2. Certificate under UTCR 11.100 indicating whether there are any objections to the proposed judicial determination document; 3. Certification that all parties consent to the Judicial Determination being made without a hearing; 4. Certificate of service; and 5. Specific findings the party is asking the court to make. 	<p>Commence June 1, 2020:</p> <p>To be scheduled in accordance with the court’s juvenile scheduling policy. This policy will consider the ability to operate with minimal staffing, the safety of the court staff and the public and any constitutional or statutory mandates for timely hearings.</p> <p>Permanency Hearings:</p> <p>Parties are STRONGLY encouraged to file uncontested permanency hearing matters by paper submission only.</p> <p>Any party may file a motion or judicial determination regarding a permanency plan based on paper submission with:</p> <ol style="list-style-type: none"> 1. Supporting exhibits, including court report 2. Certificate under UTCR 11.100 indicating whether there are any objections to the proposed judicial determination document 3. Certification that all parties consent to the judicial determination being made without a hearing 4. Certificate of service and 5. Specific findings the party is asking the court to make

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			<p>c. Permanency Hearings (Reasonable Efforts for Title IV-E purposes only);</p> <p>i. The Department of Justice may file a Motion for Judicial Determination Regarding Reasonable or Active Efforts Based on Paper Submission with:</p> <ol style="list-style-type: none"> 1. Supporting exhibits, including court report 2. Certificate under UTCR 11.100 indicating whether there are any objections to the proposed judicial determination document; 3. Certificate of service 4. Proposed judicial determination document for court to sign <p>ii. If there are no objections, the court can consider whether to sign the judicial determination document.</p> <p>iii. Any party opposing the finding, may file a formal objection not later than 14 days from the date of service of the motion and include:</p> <ol style="list-style-type: none"> 1. supporting exhibits and a waiver of the right to a hearing, or 2. supporting exhibits and a request for a remote hearing. The request must include the reason why paper review is not sufficient to protect the party's constitutional rights. <p>iv. The court may set a telephonic hearing depending on the cause outlined in the motion and balancing health and safety</p> <p>d. Hearings on Motions to Dismiss, if not constitutionally required will be heard in the same manner as Category 2 Motions to Dismiss.</p> <p>e. Hearings on Motions by Parents for Visitation</p>	<p>Hearings on Motion by parents for visitation: Requests for these hearings shall be by motion. If all parties do not agree to the motion for visitation, the court may set a remote hearing depending on the cause outlined in the motion and balancing health and safety. UTCR 5.100 will apply to these motions.</p> <p>Electronic Filing of Exhibits: In all hearings and trials of juvenile matters, parties shall file documents as outlined in CJO-016(7) and PJO 2020-04.</p>

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			i. Requests for hearings on Motions for Visitation shall be by motion. If all parties do not agree to the Motion for Visitation, the court may set a telephonic hearing depending on the cause outlined in the motion and balancing health and safety. UTCR 5.100 will apply to these motions.	
Landlord Tenant	First appearance hearings	FED Proceedings 4.a.b.c.d.f.h.	Implement CJO 20-006 summons and notice process. Court clerk to send notice of hearing when court operations resume.	CJO 20-016 summons and notice process will be used. Court clerk to send notice of hearing when court operations resume.
Landlord Tenant	Trials	FED Proceedings 4.e.g.h.	All FED trials set before 5/30/2020 to be postponed to a date after 5/31/2020.	To be continued to take place after June 30, 2020 per CJO-016.
Monday Civil Oral Motions	Oral Motion Hearings	Motions 5.a.b.c.	Unless a party has a statutory right to an in-person hearing, all oral motions are to be conducted remotely. UTCrs requiring request for telephonic hearing are waived.	Continue prior protocol.

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Monday PV	In custody	Essential Proceeding Category 1 3.a.(3)(A)	To be conducted remotely whenever feasible. NOTE: If the defendant is released on a release agreement prior PV hearing, Pretrial is to ensure that the date set for the PV hearing is after 5/31/2020. If not, set a date on the release agreement for after 5/31/2020. Copies are sent to DA and defense counsel. Pretrial to notify clerk's office to reschedule the hearing.	Continue to conduct hearings remotely. NOTE: If the defendant is released on a release agreement prior to PV hearing, Pretrial is to ensure that the date set for the PV hearing is after 7/31/2020. If not, set a date on the release agreement for after 7/31/2020. Copies are sent to DA and defense counsel. Pretrial to notify clerk's office to reschedule the hearing.
Monday PV	Out of custody	Other Court Proceedings 6.a	Postpone all set through 5/30/2020 to a date after 5/31/2020. Clerks to send standard hearing notice Defense attorney may make motion to PJ for hearing due to exceptional circumstance CJO 20-006(8.a.). If allowed in person, use social distancing.	Commence August 1, 2020. Hearing Procedure TBD. Either party may make a motion to the PJ for hearing earlier due to exceptional circumstance CJO 20-016(8.a.). If allowed in person, use social distancing.
Monday Show Cause	Protective order hearings Order of assistance hearings Immediate Danger Hearings	Essential Proceedings Category 2 3.b.(3)(B)(i)(iv)	To be held on date scheduled. To be conducted remotely effective 4/6/2020 if feasible. If in person, use social distancing.	Continue to conduct hearings remotely. See Exhibits CJO 20-016(7) and PJO 2020-04.

Docket	Case or Hearing Type	CJO 20-016 category and paragraph	Protocol (continues until resume operations in place)	Resume Operations Plan
Monday Show Cause	Family Law Proceedings Pre and post-judgment status quo Enforce parenting time	Essential Proceedings Category 3 3.c.(3)(C)(i),(ii)	Postpone all set through 5/30/2020 to a date after 5/31/2020. Clerks to send standard hearing notice Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-006(8.a.). If hearing is allowed, to be conducted remotely.	Postpone all set through 6/30/2020 to a date after 6/30/2020. Commence July 1, 2020 Proceedings will be remote telephonic hearings. Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-016(8.a.) If hearing is allowed, to be conducted remotely.
Monday Show Cause	Support enforcement	Other Court Proceedings 6.a	Postpone all set through 5/30/2020 to a date after 5/31/2020. Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-006(8.a.). If hearing is allowed, to be conducted remotely. NEW SHOW CAUSE TO BE SET after May 31, 2020: Suspend SLR. Set all new hearing (non-protective order) after May 31, 2020 with communication to attorneys and ex parte judges.	Postpone all set through 6/30/2020 to a date after 6/30/2020. Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-016(8.a.). If hearing is allowed, to be conducted remotely. NEW SHOW CAUSE TO BE SET after July 1, 2020: Suspend SLR. Set all new hearing (non-protective order) after June 30, 2020 with communication to attorneys and ex parte judges.
Monday Small Claims	Hearings and trials	Other Court Proceedings 6.a	All small claims hearings thru 5/29/2020 to be set over to a date after 5/31/2020. Clerks to set over after consultation with PJ. Send notices to parties. Call off mediators.	All small claims hearings thru 7/31/2020 to be set over to a date after 7/31/2020. Send notices to parties. Call off mediators. Stipulated settlement documents may be filed and will be processed by the court.

Docket	Case or Hearing Type	CJO 20-016 category and paragraph	Protocol (continues until resume operations in place)	Resume Operations Plan
OSH/SB 24 Hearings	All	Essential Proceeding Category 1 3.a.(3)(A)	To be conducted remotely. Only requires attorney appearances.	Continue to conduct remotely via video conferencing.
Presiding Judge Matters	All	Other Court Proceedings 6.a	To be eFiled. Presiding Judge to review on a case by case basis.	To be eFiled. Presiding Judge to review on a case by case basis.
Probate Case Management	Temporary Guardianship or Conservatorship	Essential Proceedings Category 2 3.b.(3)(E)	To be conducted remotely as scheduled by probate judge.	Continue to conduct remotely.
Probate Case Management	All other probate matters (see above)	Other Court Proceedings 6.a	All set through 5/29/2020 to be rescheduled to a date after 5/31/2020	All set through 6/30/2020 to be rescheduled to a date after 6/30/2020 Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-016(8.a.). If hearing is allowed, to be conducted remotely.
Release Hearings	In custody	Essential Proceeding Category 1 3.a.(3)(A)	In person with social distancing or via remote proceeding at the discretion of the chief criminal judge. Expedited hearings to be scheduled by the chief criminal judge.	Continue to conduct remotely. Expedited hearings to be scheduled by the chief criminal judge.

Docket	Case or Hearing Type	CJO 20-016 category and paragraph	Protocol (continues until resume operations in place)	Resume Operations Plan
Sentencing and COP	Out of custody	Other Court Proceedings 6.a	<p>Postpone all set through 5/29/2020 to a date after 5/31/2020</p> <p>Calendar clerks to send standard hearing notice.</p> <p>Attorney may make motion to PJ for hearing due to exceptional circumstance CJO 20-006(8.a.). Whether remote or in person or in person is at the discretion of the presiding judge. If in person, to be conducted with social distancing.</p>	<p>To be conducted remotely starting 5/5/2020 on GTM.</p> <p>Will be held Tuesdays at 1:30 until further notice. Set cases/defendants every 15 minutes.</p> <p>Defense to contact calendar clerk for scheduling. Defense responsible for arranging defendant's appearance in video conferencing.</p> <p>Party may make motion to presiding judge for in person hearing due to exceptional circumstance. Mode of hearing at the discretion of the presiding judge.</p>
Sentencing	In custody	Essential Proceeding Category 1 3.a.(3)(A)	<p>To be conducted remotely whenever feasible.</p> <p>NOTE: If the defendant is released on a release agreement prior sentencing, Pretrial is to ensure that the date set for sentencing is after 5/31/2020. If not, set a date on the release agreement for after 5/31/2020. Copies are sent to DA and defense counsel. Pretrial to notify clerk's office to reschedule the sentencing.</p>	<p>Continue to conduct remotely.</p> <p>NOTE: If the defendant is released on a release agreement prior to the sentencing date, this appearance shall be cancelled. Pretrial to notify clerk's office to cancel. Parties may follow out of custody sentencing procedure to reschedule appearance.</p>

Docket	Case or Hearing Type	CJO 20-016 category and paragraph	Protocol (continues until resume operations in place)	Resume Operations Plan
Traffic	Traffic violation offense first appearances	Other Court Proceedings 6.a	<p>No in person proceeding will be conducted.</p> <p>Court staff to communicate options for ePay, telephone plea, telephone violations bureau.</p> <p>Take NG pleas over phone.</p> <p>People with matters not cited for a particular day –e.g. old cases seeking payment options and lifted suspensions should be directed to send the court a letter rather than appear in person. Those who show up voluntarily asked to write letters.</p> <p>Police agencies to be notified to cite after 5/31/2020.</p>	<p>Violations Bureau will handle all in-person first appearances, except violations that are specifically excluded in the VB schedule, these violations will be routed to a judge for ruling.</p> <p>Can accept No Contest or Not Guilty pleas over the phone.</p> <p>People entering a No Contest Plea that want to provide an explanation to a judge can write a letter.</p> <p>People seeking payment options and/or to have their license suspension lifted should be directed to send the court a letter rather than appear in person. Those who show up voluntarily will be asked to write letters.</p> <p>Police agencies should be notified to encourage people to appear by telephone.</p>
Traffic	Trials on violation offenses.	Other Court Proceedings 6.a	Reset all through 5/30/2020 to a date after 5/31/2020. Calendar clerks to reset, notify and send trial by affidavit packets to all.	<p>Cases set for trial in June and July with complete affidavits received will be sent to a judge for ruling on the date scheduled for trial.</p> <p>Cases set for trial in June and July without complete affidavits are to be set over to a date after 7/31/2020.</p> <p>New NG pleas and request for trial to be set after 7/31/2020. Trial by affidavit packets to be sent with all trial notices.</p>

Docket	Case or Hearing Type	CJO 20-016 category and paragraph	Protocol (continues until resume operations in place)	Resume Operations Plan
Treatment Court Dockets	All hearings	Essential Proceedings Category 2 3.b.(3)(F) and 3.b.(4)	PJ authorizes Treatment Court Judge to schedule and conduct via remote hearing as soon technology can be deployed.	Treatment Court Judge to schedule and conduct via remote hearing when feasible and in consultation with the Presiding Judge.
Trial Call	Criminal Trial Subject to: ORS 135.746, ORS 136.290, ORS 136.295, Constitutional Speedy Trial Provisions	Trials 2.a.(1)-(4)	Postpone all except those where failure to conduct the trial will result in a violation of rights. PJ may schedule to go forward before June 1, 2020 Jury trials are <u>required to be cancelled in advance</u> . No jury panels will be called in unless strictly authorized by the PJ. If case is preassigned, judge to review status with parties and discuss with PJ with consideration given to avoiding the need to call special jury panels.	To be conducted in courthouse, in person. To be scheduled at the Presiding Judge's discretion in compliance with the defendant's statutory and constitutional rights. Jury trials are <u>required to be cancelled in advance</u> . No jury panels will be called in unless strictly authorized by the PJ after consultation with the parties and any preassigned judge.

Docket	Case or Hearing Type	CJO 20-016 category and paragraph	Protocol (continues until resume operations in place)	Resume Operations Plan
Trial Call	Criminal and Civil	Jury Trials 2.c.(1)-(5)	Reset all through 5/30/2020 to a date after 5/31/2020. The calendar clerk will work with the Presiding Judge on a reasonable schedule and send new trial notices. If case is preassigned, judge to review status with parties and discuss with PJ – no jury will be ordered.	Reset all to a date after June 30, 2020 The calendar clerk will work with the Presiding Judge on a reasonable schedule and send new trial notices. Jury trials are <u>required to be cancelled in advance</u> . No jury panels will be called in unless strictly authorized by the PJ after consultation with the parties and any preassigned judge. Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-016(8.a.).
Trial Call	Criminal and Civil Excepting 2.a. cases	Bench Trials 2.d(1)-(4)	All trials set through 5/30/2020 will be set over for a new date after 5/31/2020 without motion. The calendar clerk will work with the Presiding Judge on a reasonable schedule and send new trial notices. If case is preassigned, judge to review status with parties and discuss with PJ.	Reset all to a date after July 31, 2020 Prior to the trial date, the presiding judge will determine if the requirements of CJO 20-016(10) can be met. Andy party may make motion to Presiding Judge for hearing due to exceptional circumstance CJO 20-016(8.a.).
Trial Call	Immediate Danger Hearings - more than 2 hours.	Essential Proceedings Category 2 3.b.(3)(B)(i)	Telephonic appearance only. Exhibits to be submitted pursuant to CJO 20-006(7).	Continue to conduct remotely via telephone. See Exhibits CJO 20-016(7) and PJO 2020-04.

Docket	Case or Hearing Type	CJO 20-016 category and paragraph	Protocol (continues until resume operations in place)	Resume Operations Plan
Trial Call	Termination Trials	Essential Proceedings Category 3 3.c.(3)(D)(i)	Leave on Trial Docket Refer to Juvenile judge who will determine if case is settled or can otherwise be resolved remotely or will postpone until after 5/31/2020.	Leave on Trial Docket Refer to Juvenile judge who will determine if case is settled or can otherwise be resolved remotely or will postpone until after 6/30/2020. Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-016(8.a.). If allowed in person, use social distancing.
Trial Call	Protective Order Cases New applications Hearings more than 2 hours	Essential Proceedings Category 2 3.b.(3)(B)(iii)	To be held on date scheduled. To be conducted remotely effective 3/31/2020 for new applications and 4/6/2020 for contested hearings.	Continue to conduct hearings remotely via telephone.
Trial Call	Criminal Contested Fitness to Proceed Hearings	Essential Proceedings Category 1 3.a.(3)(A)	To be held on date scheduled. To be conducted remotely.	Continue to conduct hearings remotely via telephone or via video conferencing on GTM.
Trial Call	Diversion Docket hearings	Other Court Proceedings 6.a	All cases set through 5/30/2020 will be set over for a new date after 5/31/2020. NOTE: If the defendant is released on a release agreement prior to a scheduled diversion hearing, Pretrial is to ensure that the date set for the diversion hearing is after 5/31/2020. If not, set a date on release agreement for after 5/31/2020. Copies are sent to DA and defense counsel. Pretrial notifies court clerk to postpone and send a new notice.	Commence August 1, 2020. Hearing Procedure TBD. Defense attorney may make motion to PJ for hearing due to exceptional circumstance CJO 20-016(8.a.). If allowed in person, use social distancing.