

## CHAPTER 2—Standards for Pleadings and Documents

### 2.010 FORM OF DOCUMENTS

Except where a different form is specified by statute or rule, the form of any document, including pleadings and motions, filed in any type of proceeding must be as prescribed in this rule.

(1) “Printed document,” as used in this rule, means any document wholly or partially printed.

#### (2) Size of Documents

All documents, except exhibits and wills, must be prepared in a manner that, if printed, would be letter-size (8-1/2 x 11 inches), except that smaller sizes may be used for bench warrants, commitments, uniform citations and complaints and other documents otherwise designated by the court.

#### (3) Documents Must be Printed or Typed; Binding Documents; Use of Staples Generally Prohibited

(a) All documents must be printed or typed, except that blanks in preprinted forms may be completed in handwriting and notations by the trial court administrator or judge may be made in handwriting.

(b) Pleadings and other documents submitted to the court for filing that are not electronically filed must be bound by paperclip or binder clip and must not contain staples. If the document includes an attachment, including a documentary exhibit, an affidavit, or a declaration, then the attachment must be bound in one packet to the document being filed by paperclip or binder clip.

(c) A document or document with attachments submitted to chambers must be stapled as one packet or otherwise bound as practical, depending on the size of the document and attachments.

#### (4) Spacing, Paging and Numbered Lines

(a) All pleadings, motions and requested instructions must be double-spaced and prepared with numbered lines.

(b) All other documents may be single-spaced and the lines need not be numbered.

(c) On the first page of each pleading or similar document, two inches at the top of the page shall be left blank.

(d) All documents, except exhibits and wills, shall be prepared with a one-inch margin on each side.

#### (5) Backing Sheets

The use of backing sheets is prohibited.

#### (6) Party Signatures and Electronic Court signatures

(a) The name of the party or attorney signing any pleading or motion must be typed or printed immediately below the signature. All signatures must be dated.

- (b) The court may issue judicial decisions electronically and may affix a signature by electronic means.
  - (i) The trial court administrator must maintain the security and control of the means for affixing electronic signatures.
  - (ii) Only the judge and the trial court administrator, or the judge's or trial court administrator's designee, may access the means for affixing electronic signatures.

(7) Attorney or Litigant Information

All documents must include the author's court contact information under UTCR 1.110(1) and, if prepared by an attorney, the name, email address, and the Bar number of the author and the trial attorney assigned to try the case. Any document not bearing the name and Bar number of an attorney as the author or preparer of the document must bear or be accompanied by a certificate in substantially the form as set out in Form 2.010.7 in the UTCR Appendix of Forms.

(8) Distinct Paragraphs

All paragraphs in a pleading or motion must be numbered consecutively in the center of the page with Arabic numerals, beginning with the first paragraph of the document and continuing through the last. Subdivisions within a paragraph must be designated by lower case letters, enclosed in parentheses, placed at the left margin of each subdivision.

(9) Exhibits

- (a) When an exhibit is appended to a filed document, each page of the exhibit must be identified by the word "Exhibit" or "Ex" to appear at the bottom right-hand side of the exhibit, followed by an Arabic numeral identifying the exhibit. Each page number of the exhibit must appear in Arabic numerals immediately below the exhibit number; e.g.: "Exhibit 2  
Page 10"
- (b) Exhibits appended to a pleading may be incorporated by reference in a later pleading.
- (c) Except where otherwise required by statute, an exhibit appended to a document must be limited to only material, including an excerpt from another document, that is directly and specifically related to the subject of, and referred to in, the document. A responding party may timely file an additional excerpt or the complete document that the party believes is directly and specifically related. The court may require a party to file an additional excerpt or the complete document.

(10) Information at Bottom of Each Page

The name of the document, and the page number expressed in Arabic numerals, must appear at the bottom left-hand side of each page of each document.

(11) Caption

- (a) Each document submitted to the court for filing must include a caption located near the top of the first page that identifies the following:

- (i) The court to which the document is being submitted for filing;
  - (ii) The names of the parties;
  - (iii) An identification of the parties' roles;
  - (iv) The case number; and
  - (v) A document title that identifies the document being filed, for example, "complaint," "answer," or "motion for stay." Except for the complaint or petition initiating the case, or the initial answer or response, the document title must identify the filing party, for example, "Defendant's Motion for Summary Judgment." When there are multiple parties on a side, the document title must suitably identify the party submitting the document, for example, "Plaintiff Smith's Motion for Stay" or "Defendant MegaCorp.'s Motion to Dismiss."
- (b) The document title of each complaint or petition must indicate the type of claim, such as "personal injury," "breach of contract," "specific performance," or "reformation of contract." If more than one claim for relief is requested, then the body of the pleading also must indicate the type of claim, at the beginning of each claim for relief.
  - (c) Every motion directed at a pleading must show in the document title the name of the pleading against which it is directed.

(12) Orders, Judgments or Writs

- (a) Except for electronically filed documents subject to UTCR 21.040(3), the judge's signature portion of any order, judgment or writ prepared for the court must appear on a page containing at least two lines of the text. Orders, judgments or writs embodying the ruling of a particular judge must have the name of the judge typed, stamped or printed under the signature line.
- (b) If the order, judgment or writ is prepared by a party, the name and identity of the party submitting the order must appear therein, preceded by the words "submitted by." See the commentary to this subsection, located at the end of this rule.
- (c) A motion must be submitted as a separate document from any proposed form of order deciding the motion. A motion submitted as a single document with an order may not be filed unless the order has been ruled upon and signed by a judge.

(13) Citation of Oregon Cases

In all matters submitted to the circuit courts, Oregon cases must be cited by reference to the Oregon Reports as: Blank v. Blank, \_\_\_\_ Or \_\_\_\_ (year) or as State v. Blank, \_\_\_\_ Or App \_\_\_\_ (year). Parallel citations may be added.

(14) Notice of Address or Telephone Number Change

An attorney or self-represented party whose court contact information changes must immediately provide notice of that change to the trial court administrator and all other parties.

## (15) Application to Court Forms

Forms created by the Oregon Judicial Department are not required to comply with the provisions of UTCR 2.010(4) or (8) where the Oregon Judicial Department determines variation from those provisions will promote administrative convenience for courts or parties. Such forms and exact copies of such forms may be used and submitted to courts without challenge under UTCR 2.010(4) or (8).

### 1993 Commentary to section (12)(b):

Subsection (b) of Section (12) requires that the information include the author's name (signature not required), followed by an identification of party being represented, plaintiff or defendant.

Example: Submitted by:

A. B. Smith

Attorney for Plaintiff (or Defendant)

An exception to this style would be in cases where there is more than one plaintiff or one defendant. In those situations, the author representing one defendant or plaintiff, but not all, should include the last name (full name when necessary for proper identification) after the designation of plaintiff or defendant.

Example: Submitted by:

A. B. Smith

Attorney for Plaintiff Clarke

### 1996 Commentary:

The UTCR Committee strongly encourages the use of recycled paper and strongly recommends that all original pleadings, motions, requested instructions, copies, and service copies be on recycled paper having the highest available content of postconsumer waste.

## 2.020 CERTIFICATE OF SERVICE

(1) A certificate of service must include:

- (a) If the opposing party was served electronically by the court's eFiling system pursuant to UTCR 21.100, a statement that service was accomplished at the party's email address as recorded on the date of service in the eFiling system.
- (b) If the opposing party was served by facsimile pursuant to ORCP 9 F, the telephone number at which the party was served.
- (c) If the opposing party was served by email pursuant to ORCP 9 G, the email address at which the party was served.
- (d) If the opposing party was served by any other means, the physical address or postal address at which the party was served, as applicable.

(2) When a summons or other civil process is served by one other than a sheriff or deputy sheriff, the certificate of service must include the name, telephone number and address of the person who served the summons or process.

## 2.030 MATTERS UNDER ADVISEMENT MORE THAN 60 DAYS

- (1) If any judge shall have any matter under advisement for a period of more than 60 days, it shall be the duty of all parties to call the matter to the court's attention forthwith, in writing.
- (2) If the matter remains under advisement for 90 days, all parties are required again to call the matter to the judge's attention forthwith, in writing, with copies to the presiding judge, if any, and the Chief Justice.

## 2.050 ATTORNEY FEES ON WRITTEN INSTRUMENTS

When attorney fees are based on a written instrument, the original or a true copy of the instrument must be submitted to the court with the requested judgment, unless a true copy is attached to or set out in the pleadings. This rule also applies to reciprocal fees claimed under ORS 20.096. If an original or copy is not available, the court may require proof by affidavit or testimony.

## 2.060 ENTERING JUDGMENT ON FACE OF NEGOTIABLE INSTRUMENT

- (1) In all cases when a judgment is to be based on a negotiable instrument, as defined in ORS 73.0104, the party obtaining judgment must tender the original instrument to the court before the entry of judgment, unless the court has found that such party is entitled to enforce the instrument under ORS 73.0309, and the court must enter a notation of the judgment on the face of the instrument.
- (2) The trial court administrator shall return the original instrument only after filing a certified copy of the instrument.

### 1987 Commentary:

The rule is silent on the time when the judgment notation is to be entered on the face of the instrument. The rule permits the holding of documents submitted at the time the judgment is entered while delaying endorsement until after the court receives confirmation of the sheriff's sale.

## 2.070 NOTICE IN PLEADINGS

The title of a pleading, including a claim, counterclaim, cross claim, or third-party claim, must comply with UTCR 13.060 regarding Arbitration; UTCR 5.090 (1) regarding Water Rights Cases; and, UTCR 5.090 (2) regarding claims subject to sections 7, 13, 21 and 23, chapter 5 Oregon Laws 2013 – actions against a health care practitioner or health care facility.

## 2.080 COMMUNICATION WITH COURT

- (1) Except as exempted by statute, UTCR 2.100, or UTCR 2.110, when written communication is made to the court, copies must simultaneously be mailed or delivered to all other parties and indication made on the original of such mailing or delivery.

- (2) All written communication to the court shall refer to the title of the cause and the case number.

## 2.090 FILINGS FOR CONSOLIDATED CASES

- (1) Cases that are consolidated are consolidated for purposes of hearing or trial only. A party filing any pleading, memorandum, or other document applicable to more than one case must file the document in each case using existing case numbers and captions unless otherwise ordered by the court or provided by SLR. If such a document is not electronically filed, the filing party must provide the trial court administrator with sufficient copies.
- (2) A court order or SLR under this rule may permit designation of a lead case and require that parties file documents using only the case number and caption of the lead case.
- (3) Unless otherwise ordered by the court, a party filing a document applicable to only one case must file only in that case.

## 2.100 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING

- (1) Purpose
  - (a) This rule establishes procedures for a person to identify and segregate protected personal information when submitting a document to a court in a case and to request the information be kept from inspection by the general public.
  - (b) This rule establishes a process for a court, when it grants a request under this rule, to protect the segregated, protected personal information from nonprotected information in a uniform way with an appropriate record.
  - (c) UTCR 2.130 establishes separate procedures and processes for protecting personal information in proceedings brought under ORS chapters 25, 106, 107, 108, 109, 110, and 416 or initiated under ORS 24.190, ORS 30.866, ORS 124.010, or ORS 163.763.
- (2) Information Covered. As used in this rule:
  - (a) "Protected personal information" means specific individual facts that, unless segregated, would otherwise be in a submitted document to identify a person submitting the document or another person beyond that person's name or to identify the financial activities of either and which the court is allowed or required by law to keep confidential.
  - (b) "Protected personal information" includes, but is not limited to:
    - (i) Social Security numbers, credit card numbers, bank or other financial account numbers, bank or other financial account locations, driver license numbers, financial account access numbers, or similar information that is used for financial transactions and can be kept confidential under ORS 192.502(2).

- (ii) Maiden names, birth dates, and places of birth that can be kept confidential under ORS 192.502(2).
  - (iii) Facts about a person's identity or the identity of the person's financial activities that is other than contact information and that can be exempt from public inspection under the Oregon Public Records Law (OPRL, ORS 192.410 to 192.505).
  - (iv) Facts other than contact information that can otherwise be protected under specific law, including, but not limited to, information protected by existing court orders.
- (c) "Protected personal information" does not include entire documents, contact information, or, except as ordered by a court, information that is not both personal and related to a person's identity beyond their name or their financial activities.
- (d) "Contact information" means: the name of a person submitting a document or of a person on whose behalf a document is being submitted; telephone numbers; personal or business addresses; email addresses; employer identification and address; or similar facts that make it possible for another to contact a person who is named in a document.
- (3) Relationship to Other Law. The following all apply to this rule:
- (a) Parties to proceedings under ORS 107.085 or 107.485 must segregate all Social Security numbers from all documents they submit related to the proceedings in the manner provided by UTCR 2.130. These Social Security numbers are confidential in the custody of the court as ORS 107.840 provides. Other than as this paragraph, UTCR 2.130, or SLR 2.101 of a court provides, this rule is not the exclusive means for a court to protect personal information from public inspection.
  - (b) All judicial districts must allow requests to segregate protected personal information under this rule as a way to keep it separate from information subject to public inspection. However, courts may use SLR to establish other procedures related to identifying and protecting information courts are allowed or required to keep confidential. But, SLR 2.101 is preserved for purposes of a court to:
    - (i) Require use of forms or procedures under this rule as the exclusive way to identify specific protected personal information so a court can segregate the information and protect it from public inspection; and
    - (ii) Establish requirements supplemental to this rule as necessary to help administer this rule.
  - (c) Nothing in this rule precludes a court from protecting information by appropriate court order.
  - (d) Nothing in this rule affects or applies to procedures for identifying and protecting contact information:
    - (i) Of crime victims that is submitted to courts for processing restitution payments when restitution is sought and the information about a crime victim is kept confidential under ORS 18.048(2)(b).

- (ii) That can be made confidential under ORS 25.020(8)(d), 109.767(5), 110.575, or 192.445.
- (4) Procedure to Follow. A person may only request protected personal information be segregated and protected under this rule when submitting it to a court in a case. The procedures under this rule may be used to identify and separately present protected personal information from any submitted document or form that is used to give information to a court. To do so, a person must do the following:
  - (a) Place in the document from which the protected personal information is being segregated a written notation to the effect that the information is being separately submitted under UTCR 2.100.
  - (b) Complete an affidavit in substantially the form provided in UTCR Form 2.100.4a. The affidavit must describe generally the protected personal information and set out the legal authority for protecting the information.
  - (c) Complete an information sheet in substantially the form provided in UTCR Form 2.100.4b to duplicate the protected personal information sought to be segregated. The information sheet must be submitted as a separate document, not as an attachment to the affidavit prepared under UTCR 2.100(4)(b).
  - (d) File the completed forms and attachments with the court along with, but not attached to, the document from which the protected personal information is segregated.
  - (e) For purposes of UTCR 2.080, mail or deliver to parties a copy of the affidavit only, and not the information sheet or any attachments to the information sheet.
- (5) More Than Once in a Case. If a court segregates specific protected personal information from a specific document under this rule:
  - (a) The court is under no obligation to look for or segregate the same protected personal information from other documents in the file for that case or other cases that were not specifically addressed by a request under this rule or from any documents subsequently submitted to the court except when procedures under this rule to segregate from the specific document are again used.
  - (b) As long as the specific protected personal information remains current, a person need not submit an affidavit and information sheet under this rule each subsequent time the already segregated information would be submitted in that case. The person may simply add a written notation to any document subsequently submitted to the effect that the information has already been submitted in that case under UTCR 2.100.
- (6) Court Response. When a completed request is filed under this rule and the court grants the request to segregate, the court will do the following:
  - (a) Maintain the UTCR Form 2.100.4b and any attachments to it as not subject to public inspection unless there is a question about the court's legal authority to keep the specific information from public inspection. The requestor need not obtain the signature of a judge. As official custodian of the case file under the OPRL, the trial court administrator will resolve any question about whether, or the extent to which, information may be kept from disclosure under this rule unless statute or court order expressly provides otherwise. A request under this rule to keep information

confidential, segregated, or exempt from public inspection is not subject to challenge and hearing except as specifically required by law.

- (b) Keep the affidavit in the case file.
- (c) Send notice confirming that a request is granted or denied only if the person includes a self-addressed, postage prepaid postcard that the court can use for that task. The postcard must also include the following text, to be filled in as indicated for the court to mail:

“Dear \_\_\_\_\_ (*person requesting print your name here*), Your request of \_\_\_\_\_ (*insert date of request*) to segregate specific protected personal information from information the general public can inspect in the case file for case number \_\_\_\_\_ (*insert case number*) in the Circuit Court for \_\_\_\_\_ (*insert county*) County (*the court will check and complete the appropriate following response before mailing*):

Was granted on \_\_\_\_\_ (*court will insert date*) and the segregated information sheet you submitted will be maintained separately from information available for public inspection. \_\_\_\_\_ (*initial of appropriate court employee*)

Was denied in part or entirely because (*court will explain and provide contact information for further action*): \_\_\_\_\_.”

- (7) Limits on Protection. When the court grants a request under this rule, the court will protect the submitted Form 2.100.4b from being placed where the general public can inspect it. However, the following limits apply to this confidentiality:

- (a) A person may inspect the information sheet or attachments that person submitted.
- (b) A person other than the person who submitted the information sheet or attachments may inspect the information sheet or attachments with a currently effective release by the person whose information is protected. The release must be signed by the person giving the release, dated, and establish a period during which the release will be effective.
- (c) Any person who has a right by law to inspect the information sheet or attachments may do so. This includes Oregon Judicial Department personnel who require the information for their work.
- (d) Courts will share the information sheets and attachments with other government agencies as required or allowed by law, without court order or application under subsection (8) of this rule, for purposes of the business of those agencies. Those agencies are required to maintain the information as confidential as provided under ORS 192.502(10).
- (e) Courts will share the information sheets and attachments with the entity primarily responsible for providing support enforcement services under ORS 25.080 and under the requirements of 42 USC 666 without application under subsection (8) of this rule in any case in which spouse or child support is ordered.

(8) Inspecting or Copying Protected Personal Information.

- (a) Except as specifically provided in subsection (7) of this rule, any person who seeks to inspect or copy information segregated and kept from public inspection under this rule must make the request by using a form substantially like UTCR Form 2.100.8 and copy the requestor shown on the affidavit and parties to the case as required by UTCR 2.080. A court will only grant a request if the person requesting has a right by law, including this rule, to see the information. The court will indicate on the form its response to the request and maintain a copy of all the request forms, with its response, in the case file as a public record.
- (b) Any person inspecting information segregated and kept from public inspection under this rule must not further disclose the information, except:
  - (i) Within the course and scope of the client-lawyer relationship, unless limited or prohibited by court order;
  - (ii) As authorized by law; or
  - (iii) As ordered by the court.
- (c) Violation of subsection (b) of this section may subject a person to contempt of court under ORS 33.015 to 33.155.

(9) Denied Requests. If a court denies a request under this rule:

- (a) For every piece of personal information on a UTCR Form 2.100.4b, the court will attach the affidavit and form to the document from which the information was segregated and place all in the case file.
- (b) For only some of the personal information on a UTCR Form 2.100.4b, the court will:
  - (i) Create a copy of the form where the information to be protected is redacted,
  - (ii) Protect the original form as otherwise provided in this rule, and
  - (iii) Attach the affidavit and the redacted copy of the form to the document from which the information was segregated and place the affidavit and redacted copy of the form in the case file.

2.110 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION,  
PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A  
CASE FILE

(1) Purpose. This rule establishes:

- (a) Procedures for a person to identify and segregate protected personal information when that information already exists in a document in a court case file and to request the information be kept from inspection by the general public.
- (b) A process for a court, when it grants a request under this rule, to segregate and protect personal information from nonprotected information in the case file in a uniform way with an appropriate record.

- (2) Information Covered. This rule may be followed to segregate and protect the same information already existing in a case file that could be segregated and protected at the time of submission under UTCR 2.100 and UTCR 2.130. The definitions in UTCR 2.100 apply to this rule.
- (3) Relationship to Other Law. The following all apply to this rule:
  - (a) This rule is not the exclusive means for a court to protect personal information in case files from public inspection.
  - (b) Courts may use SLR to establish other procedures related to identifying and protecting information courts are allowed or required to keep confidential. But, SLR 2.111 is preserved for purposes of a court to:
    - (i) Require use of forms or procedures under this rule to identify specific protected personal information so that a court can segregate the information and protect it from public inspection; and
    - (ii) Establish requirements supplemental to this rule as necessary to help administer this rule.
  - (c) Nothing in this rule affects or applies to procedures for identifying and protecting contact information:
    - (i) Of crime victims that is submitted to courts for processing restitution payments when restitution is sought and the information about a crime victim is kept confidential under ORS 18.048(2)(b).
    - (ii) That can be made confidential under ORS 25.020(8)(d), 109.767(5), 110.575, or 192.445.
- (4) Procedure to Follow. A person may only request protected personal information be segregated under this rule when the information is already in a document that has become part of a court case file. To do so, a person must do all the following:
  - (a) Complete an affidavit in substantially the form provided in UTCR Form 2.110.4a. The affidavit must:
    - (i) Describe generally the protected personal information and set out the legal authority for protecting the information.
    - (ii) Specifically identify the case file, document in the case file, and the page number of the page that is sought to be redacted.
    - (iii) Be accompanied by a copy of that page sought to be redacted showing specifically the protected personal information to be redacted.
  - (b) Complete an information sheet in substantially the form provided in UTCR Form 2.100.4b to duplicate the protected personal information sought to be segregated. The information sheet must be submitted as a separate document, not as an attachment to the affidavit prepared under UTCR 2.110(4)(a).
  - (c) File the completed forms and attachments with the court.

- (d) Pay the required fee set by Chief Justice Order.
  - (e) For purposes of UTCR 2.080, mail or deliver to parties a copy of the affidavit only and not the information sheet or any attachments to the information sheet.
- (5) Court Response. When a completed request is filed under this rule and granted by the court, the court will do the following:
- (a) Segregate and protect the specifically identified protected personal information from the specific location in the specific document that is the object of the request unless there is a question about the court's legal authority to keep the specific information from public inspection. The requestor need not obtain the signature of a judge. As official custodian of the case file under the OPRL, the trial court administrator will resolve any question about whether, or the extent to which, information may be kept from disclosure under this rule unless statute or court order expressly provides otherwise. A request under this rule to keep information confidential, segregated, or exempt from public inspection is not subject to challenge and hearing except as specifically provided by law.
  - (b) Separate and maintain the information sheet and any attachments as not subject to public inspection. Once the information sheet is separated, place the affidavit in the case file.
  - (c) Replace any page from which the specific information is removed with a redacted copy of the page and keep the original, unmodified page with the information sheet and its attachments. Any substitute page from which the specific information is removed will include a notation of the date and responsible individual and that the redacting was done under this rule. Courts will separate information and redact documents under this rule according to the State Court Administrator's direction, or as otherwise specifically provided by law.
  - (d) Send a notice confirming completion of work, that work cannot be completed for some reason, or that a request is denied only if the person includes a self-addressed, postage prepaid postcard that the court can use for that task. The postcard must also include the following text to be filled in as indicated for the court to mail:

"Dear \_\_\_\_\_ (*person requesting print your name here*), Your request of \_\_\_\_\_ (*insert date of request*) to segregate specific personal information from information the general public can inspect in the case file for case number \_\_\_\_\_ (*insert case number*) in the Circuit Court for \_\_\_\_\_ (*insert county*) County (*court will check and complete the appropriate following response*):

Was completed on \_\_\_\_\_ (*insert date*). \_\_\_\_\_ (*initials of appropriate court employee*)

Could not be completed because (*explain and provide contact information for further action*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

Was denied because (*explain and provide contact information for further action*):

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- (6) Time Limits, Court Authority to Refuse Request Based on Resources. This rule sets no time limit for courts to segregate information from existing court records when requested under this rule. Courts have a reasonable time given their ordinary workload and resources available. And, notwithstanding other parts of this rule, a court is not required to segregate information from existing court records based on a request under this rule if the workload created would adversely affect the resources available for a court to perform its ordinary duties.
- (7) Parts of UTCR 2.100 and UTCR 2.130 that apply to this rule. The following subsections of UTCR 2.100 are applicable to this rule: (2), (5), (7), (8), and (9). The following subsections of UTCR 2.130 are applicable to this rule: (1), (6), (9), and (10).

## 2.120 AFFIDAVITS

Unless otherwise mandated by statute or UTCR, a declaration under penalty of perjury, in substantially the same form as specified in ORCP 1E, may be used in lieu of an affidavit required or allowed by these rules.

## 2.130 CONFIDENTIAL PERSONAL INFORMATION IN FAMILY LAW AND CERTAIN PROTECTIVE ORDER PROCEEDINGS

- (1) Definitions. As used in this rule:
- (a) “Confidential personal information” means a party’s or a party’s child’s Social Security number; date of birth; driver license number; former legal names; and employer’s name, address, and telephone number.
  - (b) “Confidential Information Form” (CIF) means a document substantially in the form provided in UTCR Form 2.130.1.
  - (c) “Inspect” means the ability to review and copy a CIF to the same extent as any other document contained in a court file.
- (2) Mandatory Use of the CIF
- (a) When confidential personal information is required by statute or rule to be included in any document filed in a proceeding initiated under ORS chapters 25, 106, 107, 108, 109, 110, or 416, or initiated under ORS 24.190, ORS 30.866, ORS 124.010, or ORS 163.763, the party providing the information:
    - (i) Must file the information in a CIF,
    - (ii) Must not include the information in any document filed with the court, and
    - (iii) Must redact the information from any exhibit or attachment to a document filed with the court, but must not redact the information from a court-certified document required to be filed by statute or rule.

- (b) This rule does not apply to:
  - (i) The information required in a money award under ORS 18.042,
  - (ii) The former legal name of a party pursuant to a name change request under ORS 107.105(1)(h), or
  - (iii) A document filed in an adoption proceeding initiated under ORS 109.309.
- (c) Documents filed in a contempt action filed in a proceeding under ORS chapters 25, 106, 107, 108, 109, 110, or 416, or a proceeding initiated under ORS 24.190, ORS 30.866, ORS 124.010, or ORS 163.763, are also subject to this rule.
- (d) A party must file a separate CIF for each person about whom the party is required to provide confidential personal information.
- (e) The confidential personal information of a minor child must be included in the CIF of the party providing the information.
- (3) Amending the CIF. A party must file an amended CIF when filing a document requiring confidential personal information about any party that has changed or is not contained in a previous CIF.
- (4) Form. A CIF or an amended CIF must be substantially in the form provided in UTCR Form 2.130.1.
- (5) Segregation. The court must segregate the CIF from documents that are subject to public inspection. Public inspection of a CIF is prohibited except as authorized by this rule or other provision of law.
- (6) Access and Confidentiality
  - (a) A party may inspect a CIF that was filed by that party.
  - (b) A party to a proceeding may inspect a CIF filed by another party:
    - (i) Upon filing an affidavit of consent, signed and dated by the party whose information is to be inspected, that states the dates during which the consent is effective; or
    - (ii) Upon entry of an order allowing inspection under UTCR 2.130(10)(a); or
    - (iii) If the CIF sought to be inspected contains only the inspecting party's confidential personal information.
  - (c) A person other than a party to the proceeding may inspect a CIF upon filing an affidavit of consent, signed and dated by the party whose information is to be inspected, that states the dates during which the consent is effective.
  - (d) Notwithstanding UTCR 2.120, a declaration under penalty of perjury may not be used in lieu of an affidavit required by this subsection.
  - (e) This rule does not limit a person's legal right to inspect a CIF as otherwise allowed by statute or rule.

- (f) Oregon Judicial Department personnel may have access to a CIF when required for court business.
  - (g) Courts will share a CIF with the entity primarily responsible for providing support enforcement services under ORS 25.080 or 42 USC 666. A person receiving information under this section must maintain its confidentiality as required by ORS 25.260(2) and 192.502(10).
  - (h) Courts will share a CIF with other government agencies as required or allowed by law for agency business. Those agencies must maintain the confidentiality of the information as required by ORS 192.502(10).
  - (i) Any person inspecting a CIF must not further disclose the confidential personal information except:
    - (i) Within the course and scope of the client-lawyer relationship, unless limited or prohibited by court order;
    - (ii) As authorized by law; or
    - (iii) As ordered by the court.
  - (j) An order entered under UTCR 2.130(10)(d) may further limit disclosure of confidential personal information.
  - (k) Violation of subsection (i) or (j) in this section may subject a person to contempt of court under ORS 33.015 to 33.155.
- (7) Notation on Documents. When a statute or rule requires a party to provide confidential personal information in a document filed with the court, the party must not provide the information in the document and must note on the document that the information has been separately filed under UTCR 2.130.
- (8) Mail or Delivery to Other Parties. A party filing an original or amended CIF must mail or deliver notice to all parties to the proceeding that a CIF or amended CIF has been filed and must file a certificate of mailing or delivery. The notice must be substantially in the form provided in UTCR Form 2.130.2.
- (9) Court Under No Obligation to Review File for Protected Information. Subject to UTCR 2.110, the court is not required to redact confidential personal information from any document, regardless of when filed.
- (10) Motion or Request to Inspect a CIF
- (a) A party may file a motion and supporting affidavit for an order allowing inspection of a CIF containing the confidential personal information of another party. The court may grant the motion only after service on all parties and an opportunity for objection and hearing.
  - (b) Any person not a party to the proceeding may file a request and supporting affidavit requesting inspection of a CIF. The person must serve the request and supporting affidavit on all parties to the proceeding in the manner prescribed for service of summons in a civil action or by certified mail, return receipt requested. The court must allow the requesting person to inspect the CIF if the court finds, after notice and

- an opportunity for a hearing, that the requesting person is legally entitled to inspect the CIF, subject to subsection (c) below.
- (c) The court must deny a motion or request to inspect a CIF if the court finds any of the following:
    - (i) A Finding of Risk and Order for Nondisclosure of Information has been entered by the Administrator of the Oregon Child Support Program under OAR 137-055-1160 for the party whose CIF is sought to be inspected.
    - (ii) A restraining order or other protective order is in effect that protects the party or the party's children from the person requesting inspection of the CIF.
    - (iii) The health, safety, or liberty of the party or the party's children whose CIF is sought to be inspected would be jeopardized or unreasonably put at risk by disclosure of the CIF to another person.
  - (d) If the court grants a motion or request for an order allowing inspection of a CIF,
    - (i) The court may limit the extent of disclosure and may enter such protective orders as are necessary to balance the personal, privacy, and safety interests of the parties or children with the legal interest of the person seeking access; and
    - (ii) The requesting party must mail or deliver a copy of the order to all other parties and must file a certificate of mailing or delivery.

#### (11) Other Court Orders

- (a) This rule is not the exclusive means for a court to protect personal information from public inspection.
- (b) Nothing in this rule:
  - (i) Precludes a court from protecting information by appropriate court order.
  - (ii) Limits procedures for identifying and protecting contact information of crime victims that is submitted to courts for processing restitution payments when restitution is sought and the information about a crime victim is kept confidential under ORS 18.048(2)(b).
  - (iii) Limits the availability of procedures for protecting information, other than confidential personal information protected by this rule, under ORS 25.020(8)(d), 109.767(5), 110.575, 192.445, or any other rule or law.

#### 2.140 APPLICATION FOR WAIVER OR DEFERRAL OF FEES OR COURT COSTS

- (1) The court must segregate an application for waiver or deferral of fees or court costs filed under ORS 21.698 from documents that are subject to public inspection. Public inspection of an application for waiver or deferral of fees or court costs is prohibited except as authorized by this rule or other provision of law.

(2) Access and Confidentiality

- (a) A party may inspect an application described in subsection (1) that was filed by that party.
- (b) No other party to a proceeding may inspect an application described in subsection (1) filed by another party.
- (c) This rule does not limit a person's legal right to inspect an application described in subsection (1) as otherwise allowed by ORS 21.698 or other provision of law.
- (d) Oregon Judicial Department personnel may have access to an application described in subsection (1) when required for court business.