

In the Matter of Approving Out-of-	)	CHIEF JUSTICE ORDER
Cycle Amendment of Uniform Trial	)	No. 20-031
Court Rules (UTCR) 21.010(8) and)	
21.070(3)(m) and Approving Out-of-	)	ORDER APPROVING OUT-OF-CYCLE
Cycle Amendment of Supplementary	)	AMENDMENT OF UNIFORM TRIAL COURT
Local Rules (SLR) 2.501(3) for the	)	RULES (UTCR) 21.010(8) and 21.070(3)(m)
Second Judicial District (Lane	)	AND APPROVING OUT-OF-CYCLE
County); 2.501(3) for the Fourth	)	AMENDMENT OF SUPPLEMENTARY LOCAL
Judicial District (Multnomah County);	)	RULES (SLR) 2.501(3) FOR THE SECOND
2.501(1) and 5.061(2) for the Fifth	)	JUDICIAL DISTRICT (LANE COUNTY);
Judicial District (Clackamas County);	)	2.501(3) FOR THE FOURTH JUDICIAL
and 2.501(2) for the Twentieth	)	DISTRICT (MULTNOMAH COUNTY); 2.501(1)
Judicial District (Washington County)	)	AND 5.061(2) FOR THE FIFTH JUDICIAL
	)	DISTRICT (CLACKAMAS COUNTY); AND
	)	2.501(2) FOR THE TWENTIETH JUDICIAL
	)	DISTRICT (WASHINGTON COUNTY)
)	

I HEREBY ORDER, pursuant to ORS 1.002 and UTCR 1.020 that:

1. Good cause has been shown and the time limits established by UTCR 1.020(2), (3), and (4) are waived for the amendment of UTCR 21.010(8) and 21.070(3)(m).
2. UTCR 21.010(8) and 21.070(3)(m) are amended as shown in Attachment A to this order. For the convenience of the reader, deleted wording is shown in [*brackets and italics*] and new wording is shown in **braces, underline, and bold**.
3. The amendments to UTCR 21.010(8) and 21.070(3)(m) take effect on September 1, 2020.
4. Pursuant to 1.020(5), the UTCR Reporter shall take the steps necessary to post the amendments to UTCR 21.010(8) and 21.070(3)(m) for public comment as soon as practicable and shall place them on the agenda for the October 2, 2020, UTCR Committee meeting for review of public comment.

I HEREBY FURTHER ORDER, pursuant to ORS 1.002, ORS 3.220(2)(b), and UTCR 1.050(2)(h), that:

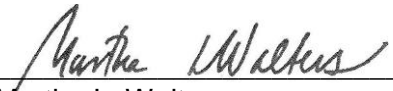
5. The following SLR are disapproved, effective September 1, 2020, as they conflict with amended UTCR 21.070(3)(m):
 - 2.501(3) for the Second Judicial District (Lane County);
 - 2.501(3) for the Fourth Judicial District (Multnomah County);
 - 2.501(1) and 5.061(2) for the Fifth Judicial District (Clackamas County); and
 - 2.501(2) for the Twentieth Judicial District (Washington County).

6. Out-of-cycle amendment of the following SLR, as shown in Attachment B to this order, is approved:
- 2.501(3) for the Second Judicial District (Lane County);
 - 2.501(3) for the Fourth Judicial District (Multnomah County);
 - 2.501(1) and 5.061(2) for the Fifth Judicial District (Clackamas County); and
 - 2.501(2) for the Twentieth Judicial District (Washington County).

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

7. The Second, Fourth, Fifth, and Twentieth Judicial Districts shall provide notice of amendment of their rules, as approved by this order, to state and local bar organizations, appropriate state and local agencies, and appropriate business partners in the manner that each Presiding Judge determines will give sufficient notice.
8. Pursuant to ORS 3.220(2)(b), each amended SLR takes effect 30 days after a certified copy of the rule is received in the Office of the State Court Administrator.
9. This order takes effect on September 1, 2020.

Dated this 19th day of August, 2020.



Martha L. Walters
Chief Justice

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>).}

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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Second Judicial District – Lane:

2.501 DOCUMENTS THAT MUST BE PRESENTED CONVENTIONALLY AND MAY NOT BE ELECTRONICALLY FILED

In the following subject matter areas, the listed stipulated or ex parte documents requiring a judge's signature and any document that will be served simultaneously with a document listed in this rule, must be presented conventionally and may not be electronically filed{, **except as provided in subsection (3)**}.

(1) Family Case Matters. To be presented pursuant to SLR 5.061:

(a) * * *

* * * * *

(g) Order for Modification or Dismissal of Abuse Protective Order

(3) Protective Order Initiating Matters. To be presented to the judge assigned by the presiding judge for that day{, **but may be electronically submitted through the OJD electronic forms system**}:

(a) Family Abuse Prevention Act

(b) Elderly Persons and Persons with Disabilities Abuse Prevention Act

(c) Sexual Abuse Prevention Act

(4) * * *

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Fourth Judicial District – Multnomah:

2.501 STIPULATED OR *EX PARTE* MATTERS FOR WHICH THE DOCUMENTS MUST BE PRESENTED CONVENTIONALLY AND MAY NOT BE ELECTRONICALLY FILED

In the following subject matter areas, the listed stipulated or *ex parte* documents, and any document that will be served simultaneously with a document listed in this rule, must be presented conventionally and may not be electronically filed{, **except as provided in subsection (3)(b)**):

(1) * * *

* * * * *

(3) For Domestic Relations matters:

(a) Presented at the Family Court Judges' daily 8:30 AM and 1:30 PM *ex parte* sessions if in-person appearance required or by mail or, on retained cases, at other times:

(i) * * *

* * * * *

[(v) *Family Abuse Prevention Act, Elderly Persons and Persons with Disabilities Abuse Prevention Act, Sexual Abuse Protection Act matters before the initial contested hearing has been held or the period for requesting the initial contested hearing has passed, whichever is later*]

(v[1]) Orders of Assistance

(vi[1]) Orders to Show Cause re: Post Judgment Status Quo

(vii[1]) Warrants in Lieu of Writ of Habeas Corpus

(~~viii~~[ix]) Orders to Show Cause re Modification

(~~i~~x) Extension of dismissal date when the current dismissal date is 30 days or fewer from the date of the request for extension

(x[1]) Postponements or Special Set requests when the matter already has a date set on Trial Assignment or a retained judge's docket and that date is 30 days or fewer from the date of the request

(xi[1]) Order to Show Cause re: Telephone Testimony matters fewer than 30 Days before hearing

(xii[1]) Appointment of Temporary Guardians in adoption proceedings

(xi{ii}[v]) Motions for Change of Judge (submitted to the Chief Family Court Judge or delegate)

{(b) Presented at the Family Court Judges' daily 1:30 PM ex parte sessions, but may be submitted electronically or conventionally:

Family Abuse Prevention Act, Elderly Persons and Persons with Disabilities Abuse Prevention Act, Sexual Abuse Protection Act matters before the initial contested hearing has been held or the period for requesting the initial contested hearing has passed, whichever is later

(c) Stalking petitions are presented at the daily 1:30 PM ex parte stalking petition docket, but may be submitted electronically or conventionally.}

(4) * * *

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Fifth Judicial District – Clackamas:

2.501 STIPULATED OR *EX PARTE* MATTERS FOR WHICH THE DOCUMENTS MUST BE PRESENTED CONVENTIONALLY AND MAY NOT BE ELECTRONICALLY FILED.

In the following subject matter areas, the listed stipulated or *ex parte* documents, and any documents that will be served simultaneously with a document listed in this rule, must be presented conventionally and may not be electronically filed{, **except as provided in subsection (1)(b)**}.

(1) Family Case Matters.

{(a)} To be presented pursuant to SLR 5.061:

{{(i)}[a]} Emergency Custody and Parenting Relief based on Immediate Danger

{{(ii)}[b]} Family Abuse Prevention Act

{{(iii)}[c]} Elderly Persons and Persons with Disabilities Abuse Prevention Act

{{(iv)}[d]} Sexual Abuse Prevention Act

{{(v)}[e]} Orders of Assistance

{{(vi)}[f]} Pre-Judgment Temporary Protective Orders of Restraint (*Status Quo*)

{{(vii)}[g]} Fee Deferral and Waiver

{{(viii)}[h]} Emergency Protective Order

{{(ix)}[i]} Extreme Risk Protection Order (ERPO)

{(b)} **To be heard pursuant to SLR 5.061, but may be submitted electronically or conventionally:**

(i) Family Abuse Prevention Act

(ii) Elderly Persons and Persons with Disabilities Abuse Prevention Act

(iii) Sexual Abuse Prevention Act

(2) * * *

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5.061 EX PARTE MATTERS

- (1) *Ex parte* matters will be heard Monday through Friday, excluding legal state holidays, at 1:00 P.M.
- (2) An in-person *ex parte* appearance may be required in those stipulated and *ex parte* matters for which the documents must be presented conventionally and may not be electronically filed as designated in SLR 2.501{, **except as provided in SLR 2.501(1)(b)**}. An in-person *ex parte* appearance is not required for Orders to Show Cause. If an Order to Show Cause is being filed in conjunction with documents that require an in-person *ex parte* appearance, all documents may be presented at *ex parte*.
- (3) Except as provided in subsection (2) of this rule, any stipulated or *ex parte* matter may be electronically filed for purpose of submitting to a judge for signature. No appearance is required.
- (4) Motions for *ex parte* order must be accompanied by a separate proposed order.
- (5) When service is required by law, any motion that is to be presented *ex parte* shall have attached to it a certificate of service, which shall include the date, time, manner of service upon the opposing party, and the name of the person served. If no service was made, the moving party shall submit a statement documenting the reasons that no service was made.
- (6) Family Abuse Prevention Act, Sexual Abuse Prevention Order, and Elderly Persons and Persons with Disabilities Abuse Prevention Act petitions filed pursuant to ORS 107.718, ORS 163.760 or ORS 124.010 through ORS 124.020 shall be heard Monday through Friday at 1:00 P.M. in the courtroom designated. {**Except as provided in SLR 2.501(1)(b), all**}[A//] required documents must be filed in the Civil Case Unit, 807 Main Street, Room 104, Oregon City, Oregon, 97045 no later than 11:00 A.M. on the day of the *ex parte*.
- (7) * * *

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Twentieth Judicial District - Washington:

2.501 STIPULATED OR *EX PARTE* MATTERS FOR WHICH THE DOCUMENTS MUST BE PRESENTED CONVENTIONALLY AND MAY NOT BE ELECTRONICALLY FILED

In the following subject matter areas, the listed stipulated or *ex parte* documents, and any documents that will be served simultaneously with a document listed in this rule, must be presented conventionally and may not be electronically filed{, **except as provided in subsections (2)(c), (2)(d), (2)(e), and (2)(n)**}.

(1) * * *

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(2) Family Case Matters. To be presented pursuant to SLR 5.061

(a) * * *

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(c) Elderly Persons and Persons with Disabilities Abuse Prevention Act petitions{, **which must be heard pursuant to SLR 5.061 but may be submitted electronically or conventionally**}

(d) Family Abuse Prevention Act petitions{, **which must be heard pursuant to SLR 5.061 but may be submitted electronically or conventionally**}

(e) Family Abuse Prevention Act dismissals and motions for modification{, **which must be heard pursuant to SLR 5.061 but may be submitted electronically or conventionally**}

(f) * * *

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(n) Sexual Abuse Prevention Act petitions{, **which must be heard pursuant to SLR 5.061 but may be submitted electronically or conventionally**}

(o) Warrant in lieu of habeas corpus.