

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

20 JUN 11 PM 12:43
FILED

In the Matter of Implementing)	PRESIDING JUDGE ORDER NO. <u>20DR00000</u>
CJO 20-016)	
)	ORDER RE JUVENILE PROCEEDINGS UNDER LEVEL 2
)	RESTRICTIONS
)	

On March 27, 2020, Oregon Supreme Court Justice Martha Walters issued Amended Chief Justice Order 20-006 continuing the Level 3 restrictions originally imposed by Chief Justice Order on March 16, 2020. On April 10, 2020, I issued Presiding Judge Order No. 20DR00000 RE: Family Law and Juvenile Proceedings During COVID-19 Pandemic consistent with the Level 3 restrictions on court operations imposed by the earlier Chief Justice Orders. On May 15, 2020, Chief Justice Walters issued Chief Justice Order No. 20-016 (CJO 20-016), which lifted Level 3 restrictions on court operations and imposed Level 2 restrictions for judicial districts in counties approved for "Phase 1" reopening by Oregon Governor Kate Brown after the Governor's declaration of a state of emergency due to the COVID-19 pandemic. Governor Brown is expected to approve Multnomah County's plan for "Phase 1" reopening effective June 12, 2020. As a result, this judicial district will operate under Level 2 restrictions beginning June 15, 2020. The court is scheduled to move into the new Multnomah County Courthouse beginning on July 15, 2020, with the first day of proceedings in the new courthouse scheduled on July 20, 2020.

The Level 2 restrictions imposed under CJO 20-016 are designed to allow courts to offer additional court services than provided under Level 3 restrictions while continuing to minimize the spread of the COVID-19 virus and the health risks to court personnel, litigants, representatives, and others who come to courthouses. Under CJO 20-016, the Court's ability to schedule and conduct hearings and trials under Level 2 restrictions must take into account the availability of staff and judicial resources. That availability may change during the period the Level 2 restrictions are in effect.

Accordingly, for the reasons stated above, I hereby ORDER as follows:

All juvenile proceedings shall be conducted remotely by telephone if possible. If a participant wishes to personally appear in the courtroom, that person shall wear a face covering pursuant to PJO 2001-00000, unless granted an exemption under the terms of that order. All participants must comply with physical distancing requirements.

The following proceedings shall be held under Level 2 restrictions, taking into account staff and judicial availability and the safety and health of all participants.

Trials:

In-custody juvenile delinquency adjudications—trials, pleas, and probation violation hearings—shall proceed as scheduled unless a youth moves to postpone the adjudication. Adjudications shall be conducted by remote means if reasonably feasible and permitted by law, including with the consent of the parties under ORS 419C.025. Pursuant to ORS 419C.025, a youth may waive personal appearance at the proceeding.

Out of custody juvenile delinquency trials shall not resume until after August 1, 2020.

Out of custody pleas shall be set from the Call docket and shall be heard.

Out of custody uncontested probation violation adjudications shall be heard and shall be set on the docket of the Judge of the Case. Out of custody contested probation violation adjudications shall not resume until after August 1, 2020.

Category 2 Essential Proceedings:

1. Protective Custody Orders: presented to the on-call judge electronically
2. Shelter Hearings and necessary and urgent second shelter hearings
3. Delinquency in-custody initial appearances
4. 10-day detention reviews and 28/56 day detention duration hearings and EM/CM reviews.
5. Dependency Jurisdiction and disposition hearings and trials and TPR trials shall resume after August 2020. PTCs and JSCs shall take place as scheduled.
6. Hearings on motions to dismiss jurisdiction shall resume after August 1, 2020.
7. Waiver hearings under ORS 419C.349 shall resume after August 1, 2020.

Category 3 Essential Proceedings:

Permanency hearings shall be heard as scheduled, however contested permanency hearings will not be docketed before August 1, 2020, unless the only witness is the DHS caseworker. Hearings shall end 10 minutes prior to the scheduled end-time to allow communication between lawyers and their clients and to allow time for appropriate cleaning.

Hearings on parents' motions for visitation shall resume after August 1, 2020, unless a party demonstrates to the Chief Family Law Judge that an earlier hearing is appropriate.

In cases in which a trial or hearing began prior to the imposition of Level 3 restrictions, the continuation of that trial or hearing shall not be docketed before August 1, 2020, unless the only witness is the DHS caseworker.

In Dependency and TPR cases in which the parties have reached a settlement, the parties shall contact the Chief Family Law Judge by email to request time on a judge's calendar to place that settlement on the record.

In Dependency and TPR cases in which the parties believe that a judicial settlement conference (JSC) will assist in resolving the matter, the parties shall contact the Chief Family Law Judge by email to request a JSC.

Other court proceedings:

Initial Appearances in TPR cases shall be held as scheduled.

Review hearings, including CRB reviews, shall be heard as scheduled.

Case management conferences in sex offender and waiver cases shall be held as scheduled

Fitness to Proceed motions shall be heard.

Motions for appointment of guardian-ad-litem shall be heard by the JOC.

Stipulated motions and orders shall be submitted electronically accompanied by sufficient information to allow JOC or Chief Family Law Judge to exercise his/her judgment.

A request to have any other matter heard while Level 2 restrictions are in effect shall be made by Motion, electronically filed, with notice to all other parties. Ruling on such a motion shall be made by the Chief Family Law Judge or her designee.

This order takes effect June 15, 2020, or one business day after Multnomah County's Phase 1 reopening plan is approved (whichever is later), and shall remain in effect until amended or terminated by further order of this court.

DATED this 11th day of June, 2020.



Stephen K. Bushong
Presiding Judge
Multnomah County Circuit Court