

**NOTICE SEEKING PUBLIC COMMENT ON OUT-OF-CYCLE  
AMENDMENT OF UNIFORM TRIAL COURT RULES 19.020 AND 21.070**  
(Comment Period Closes at 5:00 p.m. on February 27, 2025)

**I. INTRODUCTION**

We are seeking comment on out-of-cycle amendment of Uniform Trial Court Rules (UTCR) 19.020 and 21.070. These changes were adopted out-of-cycle by Supreme Court Order ([SCO](#)) 24-043 and Chief Justice Order ([CJO](#)) 24-048, respectively. Both amendments were effective on January 1, 2025.

**II. SUBMISSION OF WRITTEN COMMENTS**

You can submit written comments by:

- Clicking on the button below, next to each rule;
- Email ([utcr@ojd.state.or.us](mailto:utcr@ojd.state.or.us)); or
- Traditional mail (UTCR Reporter, Supreme Court Building, 1163 State Street, Salem, Oregon, 97301-2563).

Please submit your comments so that we receive them by 5:00 p.m. on February 27, 2025. Comments will be reviewed by the UTCR Committee at its next meeting on March 20, 2025.

**III. OUT-OF-CYCLE AMENDMENTS**

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

**1. 19.020 – INITIATING INSTRUMENT REQUIREMENTS AND MAXIMUM SANCTIONS**

**EXPLANATION**

The following related amendments to UTCR 19.020 and UTCR 21.070 were proposed by Lisa Norris-Lampe, Chair, Oregon Judicial Department (OJD) Law and Policy Work Group. The amendments are intended to simplify certain rule requirements and employ consistent wording, to in turn help streamline OJD court forms for self-represented litigants who seek such sanctions.

In October 2023, a statutory amendment changed the process for any litigant seeking remedial contempt sanctions related to an existing underlying proceeding by requiring the commencement of a new, separate contempt

action. ORS 33.055(3). Since then, OJD has been engaged in an ongoing effort to develop updated court forms for self-represented litigants who file such actions. As part of that work, the State Court Administrator (SCA) convened an ad hoc group—which included judges, court staff, other OJD staff, and Oregon Department of Justice lawyers—to propose a path forward on court forms and other related issues.

In particular, UTCR 19.020(1) sets out a variety of content that an instrument initiating a contempt action must include (whether seeking punitive or remedial sanctions). Two current rule requirements were identified as problematic, as explained below.

First, UTCR 19.020(1)(b) requires a filer to include very specific information about any underlying proceeding related to the contempt proceeding—not only as to circuit court proceedings, but also to any underlying other nonstate court or agency proceedings. However, requiring that level of detail on forms offered to statewide litigants could be perceived as inadvertently expanding the scope of remedial contempt and is likely to create confusion; for example, litigants very well might seek contempt sanctions in areas where they are not authorized to do so. See, e.g., ORS 419A.180 (authorizing the court (not parties) to initiate contempt in juvenile proceedings). Rather, the rule could more generally seek the same information—essentially, whether the contempt arises from an existing proceeding and, if so, very basic information about that proceeding—thereby eliminating the confusion posed by framing the potential underlying proceeding in unnecessary detail.

Second, UTCR 19.020(1)(c) requires a filer to state whether they seek confinement as a sanction. However, posing that question on a court form may unintentionally prompt litigants to affirmatively ask for confinement, when, in reality, filers very rarely seek confinement as a sanction for remedial contempt, and courts very rarely order it. Additionally, if confinement is requested at the outset and the contempt defendant is indigent, courts must initiate the court-appointed counsel process. This process creates additional complications and delay because, as noted, courts rarely order confinement as a sanction for remedial contempt. Instead, the rule could be amended to permit the development of forms that do not unintentionally encourage self-represented litigants to seek a sanction with those types of implications.

To address these concerns, UTCR 19.020 has been amended as follows:

- Subsection (1)(b) is amended to set out in more general terms the requirement seeking information about underlying proceedings related to the contempt proceeding; and
- A new subsection (d) is created to require plaintiffs to affirmatively state that confinement is sought as a sanction.

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## AMENDMENT

### 19.020 INITIATING INSTRUMENT REQUIREMENTS AND MAXIMUM SANCTIONS

- (1) In addition to any other requirements for initiating instruments, a complaint in a contempt proceeding under ORS 33.055 (remedial) or an accusatory instrument in a contempt proceeding under ORS 33.065 (punitive) must state or include, as applicable:
  - (a) In the caption:
    - (i) The party seeking remedial or punitive sanctions must be designated as the plaintiff and the alleged contemnor must be designated as the defendant;
    - (ii) The word “remedial” or “punitive,” as appropriate, and the words “violation of restraining order,” if appropriate; and
    - (iii) If arising from an existing circuit court case, the words “Related to [Court Name] Case No. [Case Number].”
  - (b) In the first paragraph:
    - [(i)] If arising from an existing circuit court case{ **or from any other existing court case or agency proceeding**}, the court {**or agency**}name, the case {**or proceeding**}name and number, and the nature of that case{  }[;];
    - (ii) *If arising from an existing juvenile court case, the court name, the case name and number, the juvenile department petition number, if any, and the nature of that case;*
    - (iii) *If arising from a justice court or municipal court proceeding, the court name, the court case name and number, and a description of the nature of that proceeding;*
    - (iv) *If arising from an agency proceeding, the agency name, the agency case name and number, and a description of the nature of that proceeding; or*
    - (v) *If arising from a juvenile proceeding, the information required in paragraph (b)(iv) of this section as to any applicable agency or department, and any applicable juvenile department petition number.]*

- (c) In the instrument or the body of the complaint:
  - (i) The maximum sanction(s) that the party seeks;
  - [(ii) *Whether the party seeks a sanction of confinement;*]
  - [(iii){ii}] As to each sanction sought, whether the party seeking the sanction considers the sanction remedial or punitive; and
  - [(iv){iii}] If the party is seeking remedial sanctions, a notice substantially in the form set out at ORCP 7.

**{(d) If the party filing the initiating instrument is seeking a sanction of confinement, the instrument or the body of the instrument must include a statement that such sanction is being sought.}**

- (2) Maximum Sanction Imposed. The court shall not impose a sanction greater than the sanction sought. A punitive sanction is presumed greater than a remedial sanction. A punitive sanction of confinement is presumed greater than other punitive sanctions. A remedial sanction of confinement is presumed greater than other remedial sanctions.

## 2. 21.070 – SPECIAL FILING REQUIREMENTS

### EXPLANATION

See the related explanation for item 1.

An issue was identified about inconsistent terms used to describe the instrument that initiates a remedial contempt action. Currently, as noted above, UTCR 19.020(1) refers to an “initiating instrument” (for both remedial and punitive)—as does the governing statute for remedial contempt, ORS 33.055 (in subsection (5)(a)). However, a related eFiling rule—UTCR 21.070(3), which sets out a “conventional filing” exception for certain documents that cannot be eFiled—refers to a “complaint” (when initiating remedial contempt proceedings). In addition, a standalone issue with the term “complaint” is that it could be understood to implicate certain procedural requirements that do not necessarily apply in remedial contempt proceedings, namely, the requirements to serve a “Summons” and file an “Answer.” See ORS 33.055(2), (5) (permitting a streamlined “order to appear” process in proceedings seeking remedial contempt sanctions).

To address these concerns, UTCR 21.070(3)(d) has been amended to replace the word “complaint” with “initiating instrument” when referring to documents that initiate remedial contempt proceedings (with a few related streamlining updates).

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## AMENDMENT

### 21.070 SPECIAL FILING REQUIREMENTS

(1) \* \* \*

\* \* \* \* \*

(3) Documents that Must be Filed Conventionally. The following documents must be filed conventionally:

(a) \* \* \*

(d) **{An initiating instrument}***[A complaint]* in a contempt proceeding seeking **{either}** remedial sanctions under ORS 33.055 *[or an initiating instrument in a contempt proceeding seeking ]*punitive sanctions under ORS 33.065, including documentation supporting that instrument $[ or complaint]$ .

(e) \* \* \*

\* \* \* \* \*