

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

In the Matter of)	Presiding Judge Order 353
Competing Orders)	
Involving Contact with)	ORDER RE:
Minor Children)	COMPETING ORDERS
)	INVOLVING MINOR
)	CHILDREN

When pre-trial criminal release or release agreement/order conditions affect a Defendant's contact with their minor children, the Defendant, Victim Parent, or other interested party may request an expedited hearing to review the release conditions for any actual or perceived conflict with existing juvenile dependency, civil abuse prevention, or family court orders. The purpose of the hearing shall be limited to one or both of the following: to clarify what level of contact the Defendant is authorized to have with the minor children, and to consider whether to modify Defendant's release conditions as they relate to contact with the minor children. The following procedures and definitions apply to this process:

- 1) Parties seeking an expedited hearing under this rule must present a Notice of Competing Case and Request for Hearing in the form attached to and incorporated into this order as Form 1, accompanied by a Declaration and proposed order in the forms attached to and incorporated into this order as Forms 2 and 3, respectively. Any relevant out-of-state orders or judgments must be attached to the Declaration.
- 2) All "competing order" requests shall be filed under the relevant criminal case number and shall be directed to the Presiding Judge for initial review. If a hearing is granted the Court shall notify all interested parties of the date, time and location of the hearing. Upon receiving notice of hearing each interested party shall be responsible for accessing and reviewing the Notice of Competing Case, Request for Hearing and supporting Declaration.

- 3) The Presiding Judge may deny the request for hearing altogether, set a hearing limited to the question of what level of contact the Defendant is authorized to have with the minor children pursuant to the intersection of the competing criminal and civil orders.
- 4) The Presiding Judge may choose to retain “competing orders” cases for purposes of hearing, or to assign them to another judge in any of the court’s departments. The Presiding Judge’s discretion in adjudicating “competing orders” requests shall be guided, in part, by the following considerations:
 - (a) If there is an active juvenile dependency proceeding in an out-of-state jurisdiction, the request for hearing shall be denied;
 - (b) If there is an active juvenile dependency proceeding in Oregon, approved requests shall either be retained by the Presiding Judge or assigned to the court’s juvenile department for hearing.
- 5) In reaching a decision, the judge assigned to the hearing may consider written submissions offered by any interested party prior to the hearing. Reference copies of the resulting orders after hearing shall be filed in any existing Washington County cases that involve the parties listed in the Notice of Competing Orders.
- 6) Exclusions:
 - (a) This procedure is not available in cases where there is a child victim.
 - (b) This procedure is not available to address any non-child related release conditions.
- 7) Definitions:
 - (a) “Interested Party” means the following: The defendant, victim, District attorney’s office, defense counsel, attorneys of record in the parties’ domestic relations case(s) (including court appointed attorneys for the minor children), attorneys of record in any related civil abuse prevention matter, attorneys of record and DHS caseworker in any related juvenile court dependency proceeding.

(b) "Child victim" means the following: The listed victim in a criminal complaint or indictment.

(c) "Competing Order" means the following: An order or judgment entered in a criminal, domestic relations, juvenile, or civil abuse prevention proceeding that affects a parents' contact with a joint minor child.

(d) "Joint minor child" means the biological or legal child of the defendant and victim.

IT IS SO ORDERED.

DATED this 3 day of February, 2025



Rebecca D. Guptill
Presiding Judge