

July 23, 2020

Chief Justice Martha Walters  
Oregon Supreme Court  
1163 State Street  
Salem, OR 97301

Dear Chief Justice Walters:

Thank you for your leadership during this pandemic. We are writing to you on behalf of our members, attorneys who represent parents, children and youth across Oregon.

The numbers of deaths and positive tests related to COVID 19 are increasing in Oregon. According to the Oregon Health Authority, an important component to stopping the spread is contact tracing. Many of our law firms have stringent protocols to comply with contract tracing requirements. Many of our clients are transient or in the custody of the State of Oregon. Every juvenile court hearing includes multiple participants.

The average juvenile dependency case has a Department of Justice attorney representing the department, a department caseworker, a Court Appointed Special Advocate, an attorney for the child or children (sometimes the child or children appear), an attorney for the mother with the mother, an attorney for the father with the father, foster parents and grandparents. Even more parties can appear if children have separate attorneys, or there are multiple parents involved in cases of half-siblings. It is not uncommon for cases to have 8-14 participants or more, each having a right to be heard. This is far different than the average criminal or civil hearing. The average juvenile delinquency case has a juvenile counselor, a deputy district attorney, an attorney for the youth and the youth, and a parent or parents. We as juvenile practitioners believe a clear understanding of the volume of people impacted in juvenile court is necessary to keep the needs of vulnerable families in mind when dealing with this virus.

As such, we are respectfully requesting that courts notify attorneys immediately when the court has received information that a courtroom participant has COVID 19. Your leadership is required on this matter as a report of a court room participant testing positive occurred this week in the Washington County Circuit Court on Tuesday, July 14, and there was no notice from the court to the courtroom participants. We are asking for an immediate order from you requiring notification for the protection of not only court room participants but for the ongoing protection of the juvenile justice system that protects and serves families throughout Oregon.

Sincerely,

Annette Smith, Juvenile Law Committee Co-Chair

Gina Stewart, Juvenile Law Committee Co-Chair

C: Nancy Cozine, State Court Administrator

C: Shaun McCrea, OCDLA Executive Director

C: Mae Lee Browning, OCDLA Legislative Director

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