

1 IN THE CIRCUIT COURT OF STATE OF OREGON  
2 FOR MARION COUNTY

3 In the Matter of )  
4 ) PRESIDING JUDGE ORDER  
5 Marion County Juvenile Court ) **ADOPTING AMENDED CJO 20-006**  
6 ) **AS TO JUVENILE PROCEEDINGS**  
7 )  
8 ) 20MARPJO No. 20-05

9 IT IS HEREBY ORDERED the following provisions of Amended CJO 20-006 apply to,  
10 and are adopted by, the Marion County Juvenile Court:<sup>1</sup>

- 11 “1. Definitions. As used in this order:
- 12 a. “High risk” includes the category of persons whom the Centers for Disease Control  
13 has identified as being at high-risk for serious illness due to COVID-19 and similarly  
14 situated persons. As of the date of this order, that category includes the following  
15 persons:
    - 16 (1) Persons 65 and older;
    - 17 (2) Persons with high-risk conditions including chronic lung disease or moderate  
18 to severe asthma or serious heart conditions;
    - 19 (3) Persons with certain underlying medical conditions, particularly if not well  
20 controlled, such as diabetes, renal failure, or liver disease, and also chronic  
21 kidney disease or metabolic disorders;
    - 22 (4) Persons with weakened immune systems, including from cancer treatment;
    - 23 (5) Persons of any age with severe obesity (body mass index [BMI]>40);
    - 24 (6) Persons who live in nursing homes or long-term care facilities; and
    - 25 (7) Persons without housing.
  - 26 b. “Presiding Judge” means the presiding judge of a judicial district or any person to  
27 whom that judge has delegated authority under this order.
  - 28 c. “Remote means” means conducting a trial, hearing, proceeding, or other gathering by  
telephone, other two-way electronic communication device, or simultaneous  
electronic transmission.
  - d. “Social distancing” means the minimum amount of physical distance between each  
person. The distance shall be determined by the social distancing requirements  
specified by an Executive Order issued by the governor. As of the date of this order,  
the distance is 6 feet between each person.

2. Trials
- ...  
b. In-custody juvenile delinquency adjudications

<sup>1</sup> The full text of Amended CJO 20-006 and be found here: <https://www.courts.oregon.gov/rules/Documents/CJO-20-006-AmendedOrderImposingLevel3RestrictionsCourtOperations.pdf>

- (1) This subparagraph applies to a juvenile delinquency adjudication when the youth is in custody.
- (2) The Presiding Judge may schedule such an adjudication to begin before June 1, 2020.
- (3) Absent a youth's motion to postpone such an adjudication, the Presiding Judge shall not postpone to a date later than June 1, 2020.
- (4) Adjudications that are held shall be conducted by remote means if reasonably feasible and permitted by law, including with the consent of the parties under ORS 419C.025.

...

### 3. Essential Proceedings:

...

#### b. Category 2 essential proceedings -- generally, conducted by remote means

- (1) The proceedings described in subparagraph 3.b.(2) shall be held on the date scheduled, unless postponed on motion of a party or by the Presiding Judge. Such proceedings may be scheduled to begin on a date before June 1, 2020. Such proceedings shall be conducted by remote means if reasonably feasible and permitted by law.
- (2) The following are Category 2 essential proceedings:

...

#### (C) In juvenile dependency proceedings:

- (i) Protective custody order applications;
- (ii) Shelter hearings;
- (iii) Jurisdiction and disposition hearings and trials, if constitutionally required;
- (iv) Hearings on a parent's objection to the child's continued placement in substitute care; and
- (v) Hearings on motions to dismiss, if constitutionally required;

#### (D) In juvenile delinquency proceedings:

- (i) Delinquency in-custody initial appearances; and
- (ii) For in-custody youth, 10-day detention review hearings and 28/56-day detention duration hearings;

...

#### c. Category 3 essential proceedings -- generally, conducted by remote means

- (1) The proceedings described in subparagraph 3.c.(3) shall be scheduled in accordance with the policy developed by the Presiding Judge. The policy should take into account the local court's ability to operate with minimal staffing, the safety of court staff and the public, and any constitutional or statutory mandates for timely hearings. If permitted by such policy, such proceedings may be scheduled to begin on a date before June 1, 2020. Such proceedings shall be conducted by remote means if reasonably feasible and permitted by law.
- (2) Notwithstanding subparagraph 3.c.(1), a party may seek to have a Category 3 proceeding scheduled to begin at an earlier time than permitted by the local policy, and the Presiding Judge may so order, if, after consulting with the

1 parties and other affected persons, the Presiding Judge determines that the  
2 trial, hearing, conference, or proceeding should occur within that time frame;  
3 that it can be conducted by remote means or that sufficient social distancing  
4 can be maintained if conducted in person, and that the Presiding Judge can  
5 order other reasonable precautions to protect the health of the participants,  
6 including interpreters and court staff.

(3) The following are Category 3 essential proceedings:

...

(C) In juvenile dependency proceedings:

- (i) Jurisdiction and disposition hearings and trials, if not constitutionally required;
- (ii) Permanency hearings;
- (iii) Hearings on motions to dismiss, if not constitutionally required; and
- (iv) Hearings on motions by parents for visitation/parenting time.

#### 4. Non-Essential Proceedings

##### a. Court proceedings

- (1) All proceedings not addressed in paragraphs 2, 3, or 5 scheduled to begin earlier than June 1, 2020, **shall be postponed**. No such proceedings shall be scheduled to begin before June 1, 2020.
- (2) Notwithstanding subparagraph 4.a.(1), a party may seek to have a non-essential proceeding scheduled for a time earlier than June 1, 2020, and the **Presiding Judge** may so order, if, after consulting with the parties and other affected persons, the **Presiding Judge** determines that the trial, hearing, conference, or proceeding should occur within that time frame; that it can be conducted by remote means or that sufficient social distancing can be maintained if conducted in person; and that the Presiding Judge can order other reasonable precautions to protect the health of the participants, including victims, interpreters, and court staff.

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#### 7. Exhibits

- a. Notwithstanding UTCR 6.050(3) and UTCR 21.070(3)(p), when a trial, hearing, or proceeding is to be conducted by remote means, any exhibit that can be converted to PDF may be submitted through the court's electronic filing (eFiling) system.
- b. When submitting exhibits through the eFiling system, the filer shall designate the exhibits as described in UTCR 21.070(6).
- c. The submission of exhibits through the eFiling system must comply with UTCR 21.040(1), (2), and (4), to the extent applicable, except that the court may direct that multiple exhibits in a particular proceeding be submitted as separate eFiled documents.
- d. Exhibits submitted as a unified single PDF file under this paragraph must:
  - (1) Be accompanied by an index that identifies each exhibit, located at the beginning of the submission, and each identified exhibit must be electronically linked to the index; and

(2) Include an electronic bookmark for each exhibit.

e. The court may reject submissions that do not comply with this paragraph.

8. Presiding Judge Authority

a. Notwithstanding paragraphs 2 through 5, each Presiding Judge has discretion to order that a particular trial, hearing, or proceeding, or a first appearance in an FED proceeding, begin or take place before June 1, 2020, upon a determination, after consulting with the parties and other affected persons, that it should occur in that time frame, that it can be conducted by remote means or that sufficient social distancing can be maintained if conducted in person, and that the court can order other reasonable precautions to protect the health of the participants, including victims, interpreters, and court staff.

...

12. Expectations for Attorneys

When in-person trials, hearings, or proceedings are held, except as otherwise provided in subparagraph 15.a., attorneys shall appear in person, unless the attorney is excused or the Presiding Judge has adopted a procedure that allows attorneys to appear by remote means. An attorney who has concerns about appearing in person due to COVID-19-related issues should seek to be excused; request either a postponement or an appearance by remote means if desired, reasonably feasible, and permitted by law; and, if necessary, take steps to help the client find suitable counsel. A request for postponement or appearance by remote means due to concerns about COVID-19 should be granted.

...”

Pursuant to provision 1(b) of Amended CJO 20-006, I delegate authority to the Marion County Juvenile Court judges and staff to schedule the following proceedings before June 1, 2020 and to make determinations regarding requests for in-person appearances in such proceedings:

1. In-custody juvenile delinquency adjudications.
2. All “essential” proceedings as listed in Amended CJO 20-006 and the Marion County Juvenile Court Policy below.
3. All “other” proceedings as listed in the Marion County Juvenile Court Policy below.

Pursuant to provisions 3(b)(3), 3(c)(1), and 8 of Amended CJO 20-006, I adopt the following Marion County Juvenile Court Policy:

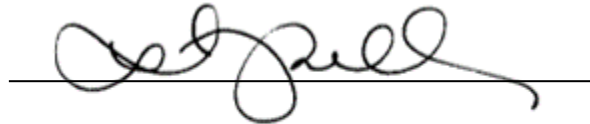
1. The Marion County Juvenile Court will conduct the following proceedings as scheduled and such proceedings may be scheduled to begin on a date before June 1, 2020:
  - a. Category 3 essential proceeding in juvenile dependency proceedings – generally, conducted by remote means:
    - (1) Jurisdiction and disposition hearings and trials, if not constitutionally required.
    - (2) Permanency hearings.
    - (3) Hearings on motions to dismiss, if not constitutionally required.
    - (4) Hearings on motions by parents for visitation/parenting time.
  - b. Other proceeding in juvenile dependency proceedings – generally, conducted by remote means:
    - (1) 4-month review hearings.

- (2) Settlement conferences with admissions by one or both parents.
- (3) Termination of parental rights prelims (the court will not conduct any TWOP hearings while Level 3 restrictions are in effect).
- (4) Termination of parental rights settlement conferences.
- (5) Termination of parental rights pretrial conferences.
- (6) Termination of parental rights trials (the court will not conduct any TWOP hearings while Level 3 restrictions are in effect).

2. Requests for any party or witness to appear in-person must be made at least two days prior to the scheduled trial or hearing in writing to the judge presiding over the trial or hearing. The judge presiding over the trial or hearing, after consulting with the parties and other affected persons, will determine if such request can be accommodated at the scheduled time or if the trial or hearing must be postponed.

3. Attorneys shall appear by remote means unless a request for in-person appearance of a party or witness has been made and allowed under section 2 of this policy. If in-person appearance is allowed, the provisions of section 12 of Amended CJO 20-006 apply.

Dated March 30, 2020

A handwritten signature in black ink, appearing to read "Tracy A. Prall", is written over a solid horizontal line.

**Circuit Court Judge Tracy A. Prall**