



# FIFTH JUDICIAL DISTRICT

CLACKAMAS COUNTY COURTHOUSE  
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OREGON CITY, OREGON 97045  
DEBBIE D. SPRADLEY, TRIAL COURT ADMINISTRATOR

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## Clackamas County Circuit Court COVID-19 Update for November 18, 2020

Out of concern for public health and preventing the spread of COVID-19, the Clackamas County Circuit Court has been operating under Level 2 restrictions to greatly reduce the number of people coming into court facilities. The court has been following the Chief Justice Order issued May 15, 2020, which imposes Level 2 or Level 3 restrictions depending on whether Clackamas County is in Phase 1 or Phase 2 reopening per Oregon Governor Kate Brown. Clackamas County has been in Phase 1 reopening since May 2020.

On November 13, 2020, Governor Brown announced a statewide ‘two-week freeze’, implementing new measures to limit gatherings and stop the spread of COVID-19 across Oregon. The Two-Week Freeze measures will be in effect from Nov. 18 through Dec. 2, statewide, unless extended or terminated early by the Governor.

As a result of the “two week freeze” and [Chief Justice Order 20-047](#), Clackamas County Circuit Court will again limit services and require or encourage remote appearances for most hearings.

As more changes are determined we will notify the community, the local bar, and post changes on the court’s website: <https://www.courts.oregon.gov/courts/clackamas/Pages/coronavirus.aspx>

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1. The following hearings must **generally** be conducted in-person:
    - a. Bench and Jury Criminal Trials necessary to comply with Speedy Trial requirements
    - b. Criminal Proceedings when Defendant is in Custody (See PJO 2020-13, 2020-18 and PJO 2020-20).
      - i. Arraignments
      - ii. Probable Cause Hearings
      - iii. Release hearings
      - iv. Probation Violation Hearings

- v. Plea Hearings
  - vi. Sentencing Hearings
  - vii. Any Hearings that will Directly Lead to Release of Defendant or Case Resolution
  - c. In-custody Juvenile Delinquency Adjudication
2. The following hearings are ***highly encouraged*** to occur remotely:
- a. Category 1 proceedings
    - i. The following criminal proceedings whether or not the defendant is in custody: arraignments, probable cause hearings, release hearings, probation violation hearings, plea hearings, sentencing hearings, aid-and-assist hearings, and any other hearing that will directly lead to the release of the defendant or the resolution of the case;
    - ii. Grand jury proceedings or preliminary hearings for felony indictments; and
    - iii. Civil commitment hearings.
  - b. Category 2 proceedings
    - i. In criminal proceedings:
      - 1. Case management and docket hearings, whether or not the defendant is in custody.
    - ii. In civil proceedings:
      - 1. When no applicable moratorium precludes them, first appearance hearings in Forcible Entry and Detainer (FED) proceedings.
    - iii. In family and protective order proceedings:
      - 1. Hearings on immediate danger motions;
      - 2. Hearings on applications for orders of assistance to obtain custody of a child held in violation of a custody order;
      - 3. Hearings on protective order applications, motions, and renewals (Family Abuse Prevention Act, Elderly Persons and Persons with Disabilities Abuse Prevention Act, Sexual Abuse Protection Orders, Extreme Risk Protection Orders, Emergency Protection Orders, and stalking orders; and
      - 4. Hearings on contested protective orders, including exceptional circumstances hearings;
    - iv. In juvenile dependency proceedings:
      - 1. Protective custody order applications;
      - 2. Shelter hearings;
      - 3. Jurisdiction and disposition hearings and trials;
      - 4. Hearings on a parent's objection to the child's continued placement in substitute care; and

5. Hearings on motions to dismiss;
  - v. In juvenile delinquency proceedings:
    1. Delinquency in-custody initial appearances;
    2. For in-custody youth, 10-day detention review hearings and 28/56-day detention duration hearings; and
    3. Waiver hearings under ORS 419C.349.
  - vi. In probate proceedings, temporary guardianships or conservatorships;
  - vii. Specialty Court proceedings;
  - viii. Proceedings involving isolation or quarantine or isolation of contaminated property under; and
  - ix. Habeas corpus proceedings.
3. All other hearings ***WILL occur remotely*** unless a Motion/Declaration/Proposed Order is filed to request an in person proceeding pursuant to paragraph 5 below.
4. Noncustodial criminal jury trials will not occur during the “two week freeze.”
5. The Presiding Judge has discretion, on a case-by-case basis, to permit any in-person appearance in any particular trial or proceeding usually required to be remote upon a determination, after consulting with the parties and other affected persons, that the trial or proceeding cannot feasibly be held entirely by remote means, that it is important that the trial or proceeding not be postponed, that the trial or proceeding can be held without significant risk to health, and that the social distancing and cleaning requirements can be met.

### **QUESTIONS?**

General questions can be referred to: [cla.court.info@ojd.state.or.us](mailto:cla.court.info@ojd.state.or.us)