

Lane County Circuit Court Covid-19 Response - Management Plan – rev 4/1/2020

Level 3: Pursuant to Chief Justice Order 20-006, Amended, this plan restricts in-person proceedings. This plan will last at least through 5/31/2020 with postponement strategies for certain cases and social distancing for all remaining in-person proceedings and services.

In all cases/hearings being postponed pursuant to the protocols below, use the COVID-19 postponement code COVID description Coronavirus Concern.

CJO 20-006 Categories:

Category 1= In person proceeding. Category 2 = generally remote proceedings. Category 3 = generally remote proceedings as authorized by PJO.

Docket	Case or Hearing Type	Amended CJO 20-006 category and paragraph	Protocol
35 Day Call	In custody	Essential Proceeding Category 1 3.a.(2)(A)	In person with social distancing NOTE: If the defendant is released on a release agreement prior to 35 day call, Pretrial is to ensure that the date set for 35 day call is after 5/31/2020. If not, set 35 day call date on release agreement for after 5/31/2020. Copies are sent to DA and defense counsel. Court clerk to postpone 35 day and send new notice.
35 Day Call	Out of custody	Essential Proceeding Category 2 3.b.(2)(A)(i)	Postponed by PJ until a reasonable remote hearing process is available and can be deployed. Postpone all set through 5/29/2020 to a date after 5/31/2020
Arraignments	In custody Aid and Assist	Essential Proceeding Category 1 3.a.(2)(A)	To be held on the date scheduled. To be conducted remotely whenever feasible.
Arraignments	Out of custody Citations on offenses	Essential Proceeding Category 2 3.b.(2)(A)(ii)	Postponed by PJ until a reasonable remote hearing process is available and can be deployed.

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Arraignments	Out of custody All others not covered above	Non-Essential Proceeding 4.a.(1)	All set through 5/30/2020 will be set over for a new date after 5/31/2020 without motion.
Civil Commitments	All	Essential Proceeding Category 1 3.a.(2)(C)	To be conducted remotely whenever feasible
Criminal Motions	In custody Oral Second Look Hearings Habeas Corpus	Essential Proceeding Category 1 3.a.(2)(A)	If there is not a statutory right for a hearing to be in person under CJO 20-006 6.a. then the proceeding will be conducted remotely. The PJ may grant a motion to appear in person with social distancing upon a showing of a need to proceed, imminent harm, or other good cause.
Criminal Motions	Out of custody Oral Contested Expungements	Non-Essential Proceeding 4.a.(1)	Postpone all set through 5/30/2020 to a date after 5/31/2020. If parties stipulate to the Court ruling on the pleadings, Court will rule on date scheduled as if filed as non-oral. Party may make motion to PJ for hearing due to exceptional circumstance (CJO 20-006, 8.a.). If hearing is allowed, to be conducted remotely.
Criminal Motions	In Custody and Out of custody Non-Oral	Category 1 3.a.(2)(A) Non-Essential Proceeding 4.a.(1)	Court will rule on the pleadings in the normal course.

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Criminal Petitions	Driver Rights Restoration Gun Rights Restoration Relief from Sex Offender Registration	Non-Essential Proceeding 4.a.(1)	Postpone all set through 5/30/2020 to a date after 5/31/2020. Party may make motion to PJ for hearing prior to 6/1/2020 due to either adherence to the statutory timeline or for an exceptional circumstance (CJO 20-006, 8.a.). If hearing is allowed, it will be conducted remotely. See Exhibits CJO 20-006, 7.
Domestic Relations Status Conferences	Tuesday status hearings – Family law cases	Non-Essential Proceeding 4.a.(1)	All hearings currently set thru 5/29/2020 to be set over to a date after 5/31/2020, Calendar clerk’s office to set new hearings on at issue cases on a schedule approved by the PJ.
Ex parte	Immediate Danger Protective Order Dismissals Order of Assistance	Essential Proceedings Category 2 3.b.(2)(B)(i),(ii),(iii),(iv)	To be conducted remotely effective 3/31/2020. The party must provide the court with a telephone number. Attorneys should eFile these proceedings.
Ex parte	All other family law ex parte matters (see above)	Other Court Services Document Filing 9.a.	Take filings at counter or via eFiling. No attorney filings in person – only eFile. Pro se filings taken over counter to be forwarded to the FCAO workflow for review and notes for judge as necessary then to appropriate judicial workflow. Documents that are filed must be dealt with by the court and not returned to party. Attorney filings ex parte – via counter or eFiling. Send to appropriate judicial workflow.

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Ex parte	Civil case matters	Other Court Services Document Filing 9.a.	Attorneys should eFile.
Juvenile	Delinquency Adjudication In custody	Trials 2.b.(1)-(4)	PJ authorizes Juvenile Judge to schedule proceedings to be held before June 1, 2020 and shall not postpone to a date later than June 1, 2020 without motion by youth. To be conducted remotely if reasonably feasible and permitted by law.
Juvenile	All other Delinquency Proceedings <u>in custody</u>	Essential Proceedings Category 2 3.b.(2)(D)(i) and (ii)	To be conducted remotely as scheduled by the juvenile judges
Juvenile	Delinquency Out of Custody Proceedings	Non-Essential Proceeding 4.a.(1)	Postpone all set through 5/30/2020 to a date after 5/31/2020 Party may make motion to PJ for hearing due to exceptional circumstance (CJO 20-006, 8.a.). If hearing is allowed, to be conducted remotely if feasible and permitted by law.

Docket	Case or Hearing Type	Amended CJO 20-006 category and paragraph	Protocol
Juvenile	<p>Dependency</p> <p>Protective Custody Shelter hearings</p> <p>Jurisdiction and dispo hearings if constitutionally required</p> <p>Hearing on objection to placement</p> <p>Hearing on Motion to Dismiss</p>	<p>Essential Proceedings</p> <p>Category 2</p> <p>3.b.(2)(C) (i) – (v)</p>	<p>To be held on the date scheduled and conducted remotely if feasible and permitted by law or otherwise noted below:</p> <p>i. Protective Custody Order Applications</p> <p>ii. Shelter Hearings</p> <p> 1. Original Hearings are to be held remotely except that an attorney may appear in person if their prospective client is expected to appear in person.</p> <p> 2. Subsequent Shelter Hearings, including contested hearings to request or object to a change of placement, shall be set by motion. The court may set a telephonic hearing depending on the cause outlined in the motion and balancing health and safety.</p> <p>iii. Jurisdiction and Disposition Hearings, if constitutionally required;</p> <p> 1. If uncontested, Jurisdictional Hearings will be heard remotely by the juvenile court at the time that they are currently set</p> <p> 2. If contested, the parties may agree to set a contested hearing after June 1, 2020. If the parties are unable to agree to set the hearing after June 1, 2020, the party asking for a hearing sooner than June 1, 2020 shall file a motion that outlines the specific facts that support a finding that: (a) the hearing is constitutionally required, (b) the hearing cannot be postponed and (b) it is reasonably feasible that the hearing can be heard remotely.</p> <p>iv. Hearings on Motion to Dismiss, if constitutionally required</p> <p> 1. Requests for hearings on Motions to Dismiss shall be by motion. If all parties do not agree to the Motion to Dismiss, the court may set a telephonic hearing depending on the cause outlined in the motion and balancing health and safety. UTCR 5.100 will apply to these motions.</p>

<p>Juvenile</p>	<p>Dependency</p> <p>Jurisdiction and dispo hearings if NOT constitutionally required</p> <p>Permanency hearings</p> <p>Hearing motion to dismiss – not constitutionally required</p> <p>Hearing on motion by parent for visitation/parenting time</p> <p>And all other not specifically listed above</p>	<p>Essential Proceedings</p> <p>Category 3</p> <p>3.c.(3)(C)(i)-(iv)</p>	<p>Presiding Judge authorizes juvenile judge to schedule and conduct proceedings remotely as outlined below:</p> <p>a. Jurisdiction and Disposition Hearings, if not constitutionally required will be heard in the same manner as Category 2 Jurisdictional and Disposition Hearings.</p> <p>b. Permanency Hearings (Uncontested Change of Plan) will be by paper submission only,</p> <ul style="list-style-type: none"> i. Any Party may file a Motion for Judicial Determination Regarding Change of Permanency Plan Based on Paper Submission with: <ul style="list-style-type: none"> 1. Supporting exhibits, including court report 2. Certificate under UTCR 11.100 indicating whether there are any objections to the proposed judicial determination document; 3. Certification that all parties consent to the Judicial Determination being made without a hearing; 4. Certificate of service; and 5. Specific findings the party is asking the court to make. <p>c. Permanency Hearings (Reasonable Efforts for Title IV-E purposes only);</p> <ul style="list-style-type: none"> i. The Department of Justice may file a Motion for Judicial Determination Regarding Reasonable or Active Efforts Based on Paper Submission with: <ul style="list-style-type: none"> 1. Supporting exhibits, including court report 2. Certificate under UTCR 11.100 indicating whether there are any objections to the proposed judicial determination document; 3. Certificate of service 4. Proposed judicial determination document for court to sign ii. If there are no objections, the court can consider whether to sign the judicial determination document. iii. Any party opposing the finding, may file a formal objection not later than 14 days from the date of service of the motion and include: <ul style="list-style-type: none"> 1. supporting exhibits and a waiver of the right to a hearing, or 2. supporting exhibits and a request for a remote hearing. The request must include the reason why paper review is not sufficient to protect the party’s constitutional rights. iv. The court may set a telephonic hearing depending on the cause outlined in the motion and balancing health and safety <p>d. Hearings on Motions to Dismiss, if not constitutionally required will be heard in the same manner as Category 2 Motions to Dismiss. Con’t below.....</p>
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Juvenile	Dependency con't		<p>e. Hearings on Motions by Parents for Visitation</p> <p>i. Requests for hearings on Motions for Visitation shall be by motion. If all parties do not agree to the Motion for Visitation, the court may set a telephonic hearing depending on the cause outlined in the motion and balancing health and safety. UTCR 5.100 will apply to these motions.</p>
Landlord Tenant	First appearance hearings	FED Proceedings 5.a.b.c.d.	<p>Implement CJO 20-006 summons and notice process.</p> <p>Court clerk to send notice of hearing when court operations resume.</p>
Landlord Tenant	Trials	FED Proceedings 5.e.	All FED trials set before 5/30/2020 to be postponed to a date after 5/31/2020.
Monday Civil Oral Motions	Oral Motion Hearings	Motions 6.a.,b.,c.	<p>Unless a party has a statutory right to an in-person hearing, all oral motions are to be conducted remotely.</p> <p>UTCrs requiring request for telephonic hearing are waived.</p>
Monday PV	In custody	Essential Proceeding Category 1 3.a.(2)(A)	<p>In person with social distancing.</p> <p>NOTE: If the defendant is released on a release agreement prior PV hearing, Pretrial is to ensure that the date set for the PV hearing is after 5/31/2020. If not, set a date on the release agreement for after 5/31/2020. Copies are sent to DA and defense counsel. Pretrial to notify clerk's office to reschedule the hearing.</p>

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Monday PV	Out of custody	Non-Essential Proceeding 4.a.(1)	Postpone all set through 5/30/2020 to a date after 5/31/2020. Clerks to send standard hearing notice Defense attorney may make motion to PJ for hearing due to exceptional circumstance (CJO 20-006 8.a.). If allowed in person, use social distancing.
Monday Show Cause	Protective order Immediate Danger Hearings	Essential Proceedings Category 2 3.b.(2)(B)(i)-(iii)	To be held on date scheduled. To be conducted remotely effective 4/6/2020 if feasible. If in person, use social distancing.
Monday Show Cause	Family Law Proceedings Pre and post-judgment status quo Enforce parenting time	Essential Proceedings Category 3 3.c.(3)(B)(i),(ii)	Postpone all set through 5/30/2020 to a date after 5/31/2020. Clerks to send standard hearing notice Party may make motion to PJ for hearing due to exceptional circumstance (CJO 20-006, 8.a.). If hearing is allowed, to be conducted remotely.
Monday Show Cause	Support enforcement	Non-Essential Proceeding 4.a.(1)	Postpone all set through 5/30/2020 to a date after 5/31/2020. Party may make motion to PJ for hearing due to exceptional circumstance (CJO 20-006, 8.a.). If hearing is allowed, to be conducted remotely. NEW SHOW CAUSE TO BE SET after May 31, 2020: Suspend SLR. Set all new hearing (non-protective order) after May 31, 2020 with communication to attorneys and ex parte judges.

Docket	Case or Hearing Type	Amended CJO 20-006 category and paragraph	Protocol
Monday Small Claims	Hearings and trials	Non-Essential Proceeding 4.a.(1)	All small claims hearings thru 5/29/2020 to be set over to a date after 5/31/2020, Clerks to set over after consultation with PJ. Send notices to parties. Call off mediators.
OSH/SB 24 Hearings	All	Essential Proceeding Category 1 3.a.(2)(A)	To be conducted remotely. Only requires attorney appearances.
Presiding Judge Matters	All	Non-Essential Proceeding 4.a.(1)	To be eFiled. Presiding Judge to review on a case by case basis.
Probate Case Management	Temporary Guardianship or Conservatorship	Essential Proceedings Category 2 3.b.(2)(E)	To be conducted remotely as scheduled by probate judge
Probate Case Management	All other probate matters (see above)	Non-Essential Proceeding 4.a.(1)	All set through 5/29/2020 to be rescheduled to a date after 5/31/2020
Release Hearings	In custody	Essential Proceeding Category 1 3.a.(2)(A)	In person with social distancing or via remote proceeding at the discretion of the chief criminal judge. Expedited hearings to be scheduled by the chief criminal judge.

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Sentencing	Out of custody	Non-Essential Proceeding 4.a.(1)	Postpone all set through 5/29/2020 to a date after 5/31/2020 Calendar clerks to send standard hearing notice. Attorney may make motion to PJ for hearing due to exceptional circumstance (CJO 20-006 8.a.). Whether remote or in person or in person is at the discretion of the presiding judge. If in person, to be conducted with social distancing.
Sentencing	In custody	Essential Proceeding Category 1 3.a.(2)(A)	In person with social distancing. NOTE: If the defendant is released on a release agreement prior sentencing, Pretrial is to ensure that the date set for sentencing is after 5/31/2020. If not, set a date on the release agreement for after 5/31/2020. Copies are sent to DA and defense counsel. Pretrial to notify clerk's office to reschedule the sentencing.
Traffic	Traffic violation offense first appearances	Non-Essential Proceeding 4.a.(1)	No in person proceeding will be conducted. Court staff to communicate options for ePay, telephone plea, telephone violations bureau. Take NG pleas over phone. People with matters not cited for a particular day –e.g. old cases seeking payment options and lifted suspensions should be directed to send the court a letter rather than appear in person. Those who show up voluntarily asked to write letters. Police agencies to be notified to cite after 5/31/2020.

Docket	Case or Hearing Type	Amended CJO 20-006 category and paragraph	Protocol
Traffic	Trials on violation offenses.	Non-Essential Proceeding 4.a.(1)	Reset all through 5/30/2020 to a date after 5/31/2020. Calendar clerks to reset, notify and send trial by affidavit packets to all.
Treatment Court Dockets	All hearings	Essential Proceedings Category 2 3.b.(2)(F) and 3.b.(4)	PJ authorizes Treatment Court Judge to schedule and conduct via remote hearing as soon technology can be deployed.
Trial Call	Criminal In Custody Trial	Trials 2.a.(1)	Postpone all except those where failure to conduct the trial will result in a violation of rights. PJ may schedule to go forward before June 1, 2020 Jury trials are <u>required to be cancelled in advance</u> . No jury panels will be called in unless strictly authorized by the PJ. If case is preassigned, judge to review status with parties and discuss with PJ with consideration given to avoiding the need to call special jury panels.
Trial Call	Criminal Out of Custody Trial	Trials 2.c.	Reset all through 5/30/2020 to a date after 5/31/2020. The calendar clerk will work with the Presiding Judge on a reasonable schedule and send new trial notices. If case is preassigned, judge to review status with parties and discuss with PJ – no jury will be ordered.

Docket	Case or Hearing Type	Amended CJO 20-006 category and paragraph	Protocol
Trial Call	Civil Trials	Trials 2.c.	All trials set through 5/30/2020 will be set over for a new date after 5/31/2020 without motion. The calendar clerk will work with the Presiding Judge on a reasonable schedule and send new trial notices. If case is preassigned, judge to review status with parties and discuss with PJ – no jury will be ordered.
Trial Call	Family Law Trial	Trials 2.c.	All trials set through 5/30/2020 will be set over for a new date after 5/31/2020 without motion. The calendar clerk will work with the Presiding Judge on a reasonable schedule and send new trial notices. If case is preassigned, judge to review status with parties and discuss with PJ – no jury will be ordered.
Trial Call	Immediate Danger Hearings - more than 2 hours.	Essential Proceedings Category 2 3.b.(2)(B)(i)	Telephonic appearance only. Exhibits to be submitted pursuant to CJO 20-006 section 7.
Trial Call	Termination Trials	Essential Proceedings Category 3 3.c.(3)(C)(i)	Leave on Trial Docket Refer to Juvenile judge who will determine if case is settled or can otherwise be resolved remotely or will postpone until after 5/31/2020.

Docket	Case or Hearing Type	Amended CJO 20-006 category and paragraph	Protocol
Trial Call	Protective Order Cases New applications Hearings more than 2 hours	Essential Proceedings Category 2 3.b.(2)(B)(iii)	To be held on date scheduled. To be conducted remotely effective 3/31/2020 for new applications and 4/6/2020 for contested hearings.
Trial Call	Diversion Docket hearings	Non-Essential Proceeding 4.a.(1)	All cases set through 5/30/2020 will be set over for a new date after 5/31/2020. NOTE: If the defendant is released on a release agreement prior to a scheduled diversion hearing, Pretrial is to ensure that the date set for the diversion hearing is after 5/31/2020. If not, set a date on release agreement for after 5/31/2020. Copies are sent to DA and defense counsel. Pretrial notifies court clerk to postpone and send a new notice.