

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

4 In the Matter of)
5) 20MARPJO No. 20-15
6 Marion County Juvenile Court)
7) PRESIDING JUDGE ORDER
8) **ADOPTING CJO 20-016**
9) **IMPLEMENTING PROVISIONS**
10) **THROUGH MARCH 31, 2021**
11)

12 IT IS HEREBY ORDERED the Marion County Juvenile Court fully adopts the
13 applicable provisions of CJO 20-016¹ issued May 15, 2020, and implements them as follows:

14 Out of concern for public health and preventing the spread of COVID-19, the Marion
15 County Juvenile Court is restricting operations to greatly reduce the number of people coming
16 into court facilities.

17 PJO 20-15 supersedes PJO 20-09 and PJO 20-09(A). PJO 20-15 **takes effect November**
18 **1, 2020 and remains in effect until March 31, 2021** as long as the Marion County Circuit Court
19 is subject to Level 2 or Level 1 restrictions under CJO 20-016. If the Marion County Circuit
20 Court is subject to Level 3 restrictions or the court determines more restrictions are necessary,
21 we will notify the community and local bar and will post changes on the court's website:
22 <https://www.courts.oregon.gov/marion>.

23 **DELINQUENCY CASES:**

24 • **Hearings**

- 25 ○ The court will schedule the following in-custody proceedings in accordance with
26 the court's regular scheduling procedures to be heard by remote means. A party
must file a Motion for In-Person Hearing with the Presiding Juvenile Court
Judge if they wish to proceed in-person:
- Initial appearances
 - Probation violation hearings
 - Admit/deny and disposition hearings
 - 10-day detention review hearings
 - 28/56-day detention duration hearings
 - Waiver hearings under ORS 419.349
 - Settlement conferences

1 The full text of the Order can be found here https://www.courts.oregon.gov/rules/ORAP/CJO%2020-016_Order-Imposing-Level-2-and-Level-3-Restrictions-on-Court-Operations.pdf

- Out-of-custody initial appearances for youth cited or directed to appear or with a release agreement to appear at the Juvenile Court, will occur in-person at the Juvenile Court as directed by the letter, citation, or release agreement.
- Admit/deny and disposition hearings for out-of-custody youth shall be scheduled in accordance with the court's regular scheduling procedures to be heard by remote means **UNLESS** one of issues listed below exist, then an in-person appearance at Juvenile Court may be allowed (no formal Motion is necessary, a request shall be emailed to court staff for approval by the Presiding Juvenile Court Judge):
 - Interpreter is needed in-person to facilitate simultaneous translation
 - Detention or OYA time anticipated
 - Non-stipulated and more than 30 minutes needed
 - Multiple witness/victims
 - Youth has significant developmental delays or MH issues
 - Security issues
 - Others as approved by the Presiding Juvenile Court Judge

- **Status/Pretrial Conferences**

- The court will continue to conduct status conferences and pretrial hearings as scheduled on all delinquency cases. Such proceedings shall be conducted by remote means.

- **Adjudications**

- **In-custody** adjudications may occur in-person or by remote means at the discretion of the Presiding Juvenile Court Judge. The Presiding Juvenile Court Judge may schedule an adjudication for any date that the Presiding Juvenile Court Judge deems appropriate.
- **Out-of-custody** adjudications set November 1, 2020 – March 31, 2021 will proceed by remote means.
 - A party must file a Motion for In-Person Hearing with the Presiding Juvenile Court Judge if they wish to proceed in-person prior to April 1, 2021.
 - If the Marion County Circuit Court is subject to Level 3 restrictions under CJO 20-016, all out-of-custody adjudications will be postponed to a date on or after April 1, 2021.

- If you have questions about Delinquency matters, please call 503-566-2974.

DEPENDENCY CASES:

- The following Category 2 essential hearings will proceed as scheduled by remote means:
 - Protective custody order applications
 - Shelter Hearings
 - Jurisdiction and Disposition hearings and trials

- 1 ○ Hearings on a parent’s objection to the child’s continued placement in substitute
- 2 ○ Hearings on motions to dismiss
- 3 ● The following Category 3 essential hearings will proceed as scheduled by remote means:
- 4 ○ Permanency hearings
- 5 ○ Hearings on motions by parents for visitation/parenting time
- 6 ○ Settlement conferences with admissions by one or both parents
- 7 ○ 4-month review hearings
- 8 ● All of the above proceedings will be scheduled in accordance with the court’s regular
- 9 scheduling procedures and will be heard by remote means.
- 10 ● A party must file a Motion for In-Person Hearing with the Presiding Juvenile Court
- 11 Judge if they wish to proceed in-person at the Juvenile Court facility or with the
- 12 Presiding Judge if they wish to proceed in-person in the downtown courthouse.
- 13 ● If you have questions about Dependency matters, please call 503-566-2974.

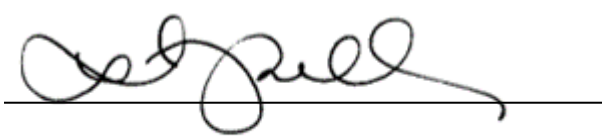
9 **TERMINATION OF PARENTAL RIGHTS CASES:**

- 10 ● **Preliminary hearings** will proceed by remote means. Preliminary hearings will be
- 11 scheduled with the parties following the permanency hearing and call-in number will be
- 12 provided on the Order to Appear.
- 13 ● The following proceedings will be scheduled in accordance with the court’s regular
- 14 scheduling procedures and will be heard at the downtown courthouse by remote means:
- 15 ○ **TPR Settlement Conference**
- 16 ○ **TPR Pretrial Conferences**
- 17 ○ **TPR Trials**
- 18 ● A party must file a Motion for In-Person Hearing with the Presiding Judge if they wish
- 19 to proceed in-person at the downtown courthouse.
- 20 ● **Trials Without Parent**
- 21 ○ If a parent fails to appear for a preliminary hearing:
 - 22 ■ If the parent has been properly served with an Order to Appear but does not
 - 23 appear, the court will conduct a TWOP.
 - 24 ■ If the parent has not been properly served with an Order to Appear and does not
 - 25 appear:
 - 26 ● The preliminary hearing date will be re-set to a future date with Judge
 - Partridge in Courtroom 4A.
 - DOJ/DHS will need to re-serve the parents to appear in-person for that
 - date.
 - If the parent has been properly served for an in-person preliminary
 - hearing with Judge Partridge and does not appear, then the court will
 - conduct a TWOP.
- 26 ○ If a parent fails to appear as directed at a TPR pretrial or trial, TWOP will not be
- allowed unless DOJ can demonstrate that a parent has been properly served and the
- parent has not been involved in the case.
 - If those conditions are met, the court will conduct a TWOP if a parent does not
 - appear.
 - If those conditions are not met:
 - The court will continue the cases for a special preliminary hearing/TPR
 - status on a future date with Judge Partridge in Courtroom 4A.

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- DOJ/DHS will need to re-serve the parents to appear *in-person* for that date.
- If the parent has been properly served for an in-person preliminary hearing with Judge Partridge and does not appear, then the court will conduct a TWOP.

Dated this 30th day of October 2020



Circuit Court Judge Tracy A. Prall