

Lane County Circuit Court Covid-19 Operations Plan – revised 6/16/2020

Pursuant to Chief Justice Order 20-016 and PJO 2020-04, this plan restricts court proceedings and operations. This plan will be in operation through at least 6/30/2020 and will be updated by the Court as necessary. **To seek a change to the way the proceeding is to be conducted, parties shall follow the procedure in PJO 2020-04(4).**

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
35 Day Call	In custody	Essential Proceeding Category 1 3.a.(3)(A)	Remote hearings via video conferencing If defendant is released from custody, follow 35 Day Call Out of Custody process.
35 Day Call	Out of custody	Essential Proceeding Category 2 3.b.(3)(A)(i)	Commenced June 1, 2020, standard days and times: Defense to submit a written case management report form 2 days prior to scheduled date: <ol style="list-style-type: none"> 1) Report settled = set over to O/C COP and sentencing docket (remote GTM). 2) Report Settlement Conference needed = remote hearing on scheduled date (attorneys on GTM, defendant on phone with counsel or in person with counsel) 3) Report stipulated set over request = new date set by calendar 4) Report opposed set over request = appear on scheduled date (same as #2)
Adoptions	All hearings (non-Serbu)	Other Court Proceedings 6.a	Remote hearings via video conferencing or telephone.
Arraignments	In custody Aid and Assist uncontested	Essential Proceeding Category 1 3.a.(3)(A)	Remote hearings via video conferencing; telephonic if defendant in quarantine, isolation, segregation

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Arraignments	Out of custody Citations on offenses	Essential Proceeding Category 2 3.b.(4)(A)(ii)	Commenced June 1, 2020 daily: Defendant in person (one defendant in the courtroom at a time, monitored masked and social distanced line in 3 rd floor lobby). Counsel may appear by telephone or in person – for telephone appearance counsel MUST notify chambers of attorney and phone number by 3pm the day before. Procedure: 3 groups of 9 scheduled 30 minutes apart beginning at 8:30 a.m. PTS to schedule and verify those on RA. All others should endeavor to the verified prior to the date of arraignments. If not verified by that date, to be verified after the appearance – either via phone or in person at the direction of the judge presiding over the proceeding. 8:30: Citation Appearances 9:00: Letter Appearances 9:30: Release Agreement Appearances No in person “add on” docket permitted. Such requests shall be in writing.
Arraignments	Out of custody All others not covered above	Other Court Proceedings 6.a	See out of custody arraignments above
Civil Commitments	All	Essential Proceeding Category 1 3.a.(3)(C)	Remote hearings when feasible – feasibility to be determined by the judge conducting the hearing.
Civil Oral Motions Monday Dkt	Oral Motion Hearings	Motions 5.a.b.c.	Remote hearings via video conferencing or telephone. UTCRRs requiring request for telephonic hearing are waived.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Claim of Exemptions Garnishment Monday Dkt	Oral motions	Motions 5.a.b.c.	Commence 6/15/20 Remote hearings via video conferencing or telephone
Criminal Motions	Second Look Hearings Habeas Corpus	Essential Proceeding Category 1 3.a.(3)(A)	Remote hearings via video conferencing. See Exhibits CJO 20-016(7) and PJO 2020-04.
Criminal Motions	Oral Contested Expungements	Other Court Proceedings 6.a.	Commence 7/1/20; Hearings to be scheduled Wednesdays at 8:30 a.m. Remote hearings via video conferencing or telephonic. Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-016 (8.a.). If hearing is allowed, it shall be conducted remotely. See Exhibits CJO 20-016(7) and PJO 2020-04.
Criminal Motions	In Custody and Out of custody Non-Oral Includes Uncontested Expungements	Other Court Proceedings 6.a.	Court will rule on the pleadings in the normal course.
Criminal Petitions	Driver Rights Restoration Gun Rights Restoration Relief from Sex Offender Registration DNA Petitions	Other Court Proceedings 6.a.	Commence 7/1/20; Hearings to be scheduled Wednesdays at 8:30 a.m. Remote hearings via video conferencing or telephonic. Party may make motion to PJ for hearing prior to 7/1/2020 due to either adherence to the statutory timeline or for an exceptional circumstance CJO 20-016(8.a.). If hearing is allowed, it shall be conducted remotely. See Exhibits CJO 20-016(7) and PJO 2020-04.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Domestic Relations Status Conferences	Tuesday status hearings – Family law cases	Other Court Proceedings 6.a.	All hearings currently set thru 6/12/2020 to be set over to a date after 6/15/2020. Commence 6/16/2020 Remote hearings via telephone.
Ex parte	Immediate Danger Protective Order Dismissals Order of Assistance	Essential Proceedings Category 2 3.b.(3)(B)(i),(ii),(iii),(iv)	Remote hearings The parties must provide the court with telephone numbers pre-hearing. Attorneys should eFile these proceedings. See Exhibits CJO 20-016(7) and PJO 2020-04.
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.
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)	To be scheduled in normal course. Remote hearings if reasonably feasible and permitted by law at the discretion of the assigned judge. The presiding judge delegates the authority in CJO 20-016(2.b) to the assigned juvenile judge.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Juvenile	All other Delinquency Proceedings <u>in custody</u>	Essential Proceedings Category 2 3.b.(e)(D)(i) and (ii)	Remote hearings as scheduled by the juvenile judges
Juvenile	Delinquency Out of Custody Proceedings	Other Court Proceedings 6.a. 5.a	Commenced June 1, 2020: The assigned juvenile judge may schedule and hold these proceedings by remote means in accordance with the court’s regular scheduling procedures or as required by law, but only if the court has sufficient staff to hold the proceeding and witness testimony is not required on any motion. The assigned juvenile judge may order these proceedings to occur in person at the juvenile justice courthouse upon a showing of good cause but only if the judge finds that social distancing can be maintained in the courtroom and throughout all court-controlled areas of the building, and other requirements of CJO 20-016(10) and PJO 2020-04 can be met.
Juvenile	Dependency Protective Custody Shelter hearings Jurisdiction and dispo hearings if constitutionally required Hearing on objection to placement Hearing on Motion to Dismiss	Essential Proceedings Category 2 3.b.(3)(C) (i)-(v)	Commenced June 1, 2020: To be scheduled in accordance with the court’s juvenile scheduling policy. This policy will consider the ability to operate with minimal staffing, the safety of the court staff and the public and any constitutional or statutory mandates for timely hearings. I. Protective Custody Order Applications ii. Shelter Hearings 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. 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. iii. Jurisdiction and Disposition Hearings; 1. If uncontested, Jurisdictional Hearings will be heard remotely by the juvenile court at the time that they are currently set. 2. If contested, the proceedings shall be conducted in accordance with the following: A party may request a hearing sooner than the scheduling policy by filing a motion that outlines the specific facts that support a finding that: a) the hearing should be heard sooner

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			<p>than other hearings, b) the hearing presents issues that must be resolved sooner and c) it is reasonable feasible that the hearing can be heard remotely.</p> <p>iv. Hearings on Motion to Dismiss, if constitutionally required: 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>
Juvenile	<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)(D)(i)-(iv)</p>	<p>Commenced June 1, 2020:</p> <p>To be scheduled in accordance with the court’s juvenile scheduling policy. This policy will consider the ability to operate with minimal staffing, the safety of the court staff and the public and any constitutional or statutory mandates for timely hearings.</p> <p>Permanency Hearings: Parties are STRONGLY encouraged to file uncontested permanency hearing matters by paper submission only. Any party may file a motion or judicial determination regarding a permanency plan based on paper submission with:</p> <ol 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>Hearings on Motion by parents for visitation: Requests for these hearings shall be by motion. If all parties do not agree to the motion for visitation, the court may set a remote hearing depending on the cause outlined in the motion and balancing health and safety. UTCR 5.100 will apply to these motions.</p> <p>Electronic Filing of Exhibits: In all hearings and trials of juvenile matters, parties shall file documents as outlined in CJO-016(7) and PJO 2020-04.</p>

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Landlord Tenant (FED)	First appearance hearings	FED Proceedings 4.a.b.c.d.f.h.	CJO 20-016 summons and notice process will be used. Court clerk to send notice of hearing when court operations resume.
Landlord Tenant (FED)	Trials	FED Proceedings 4.e.g.h.	Postponed to after June 30, 2020 per CJO-016. Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-016 (8.a.). If hearing is allowed, it shall be conducted remotely. See Exhibits CJO 20-016(7) and PJO 2020-04.
OSH/SB 24 Hearings	All	Essential Proceeding Category 1 3.a.(3)(A)	Remote hearings via video conferencing.
Presiding Judge Matters	All	Other Court Proceedings 6.a	To be eFiled. Presiding Judge to review on a case by case basis and schedule remote hearings as needed.
Probate Case Management	Temporary Guardianship or Conservatorship	Essential Proceedings Category 2 3.b.(3)(E)	Remote hearings
Probate Case Management	Other non-trial probate matters	Other Court Proceedings 6.a	Commenced June 1: Remote hearings to be scheduled and heard by the probate judge in consultation with the presiding judge due to staffing.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Probation Violations Monday Dkt	In custody	Essential Proceeding Category 1 3.a.(3)(A)	Remote hearings via video conferencing. See Exhibits CJO 20-016(7) and PJO 2020-04. NOTE: If the defendant is released on a release agreement prior to PV hearing, Pretrial is to ensure that the date set for the PV hearing is after 7/31/2020. If not, set a date on the release agreement for after 7/31/2020. Copies are sent to DA and defense counsel. Pretrial to notify clerk's office to reschedule the hearing.
Probation Violations Monday Dkt	Out of custody	Other Court Proceedings 6.a	Commence August 1, 2020 if staffing allows. Hearing Procedure TBD. Either party may make a motion to the PJ for hearing earlier due to exceptional circumstance CJO 20-016(8.a.). If allowed, shall be remote hearings.
Protective Orders (assigned at Trial Call)	New Applications	Essential Proceedings Category 2 3.b.(3)(B)(iii)	Remote hearings via telephone.
Quarantine and Isolation Proceedings	All hearings	Essential Proceeding 3.b.(4)(G)	Remote hearings Scheduled on the Presiding Judge's calendar.
Release Hearings	In custody	Essential Proceeding Category 1 3.a.(3)(A)	Remote hearings Expedited hearings to be scheduled by the chief criminal judge.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Sentencing and COP	In custody	Essential Proceeding Category 1 3.a.(3)(A)	Remote hearings via video conferencing NOTE: If the defendant is released on a release agreement prior to the sentencing date, this appearance shall be cancelled. Pretrial to notify clerk's office to cancel. Parties may follow out of custody sentencing procedure to reschedule appearance.
Sentencing and COP	Out of custody	Other Court Proceedings 6.a	Commenced 5/5/2020. Remote hearings via video conferencing. Tuesdays at 1:30 and Thursday/Friday at 8:30 a.m. Set cases/defendants every 15 minutes. Defense to contact calendar clerk for scheduling. Defense responsible for arranging defendant's appearance in video conferencing.
Settlement Conferences	Major Case Settlement Conferences	Other Court Proceedings 6.a	Remote hearings SLR 6.012 (2020) for scheduling
Show Cause Monday Dkt	Protective order hearings Order of assistance hearings Immediate Danger Hearings	Essential Proceedings Category 2 3.b.(3)(B)(i)(iv)	Remote hearings See Exhibits CJO 20-016(7) and PJO 2020-04.
Show Cause Monday Dkt	Family Law Cases Pre and post-judgment status quo Enforce parenting time De Novo	Essential Proceedings Category 3 3.c.(3)(C)(i),(ii)	Postpone all set through 6/30/2020 to a date after 6/30/2020. Commence July 1, 2020 if staffing allows. Proceedings will be remote telephonic or video conference hearings, at the discretion of the hearing judge. Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-016(8.a.) If hearing is allowed, to be conducted remotely.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Show Cause Monday Dkt	Support enforcement Debtor Exams	Other Court Proceedings 6.a	Postpone all set through 8/31/20 to a date after 8/31/20 Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-016(8.a.). If hearing is allowed, to be conducted remotely. NEW SHOW CAUSE TO BE SET after August 31, 2020: Suspend SLR. Set all new hearing (non-protective order) after August 31, 2020 with communication to attorneys and ex parte judges.
Small Claims Monday Dkt	Hearings and trials	Other Court Proceedings 6.a	All small claims hearings thru 8/31/2020 to be set over to a date after 8/31/2020. Send notices to parties. Call off mediators. Stipulated settlement documents may be filed and will be processed by the court.
Traffic	Traffic violation first appearances	Other Court Proceedings 6.a	Violations Bureau will handle all in-person first appearances, except violations that are specifically excluded in the VB schedule, these violations will be routed to a judge for ruling. Can accept No Contest or Not Guilty pleas over the phone. People entering a No Contest Plea that want to provide an explanation to a judge can write a letter. People seeking payment options and/or to have their license suspension lifted should be directed to send the court a letter rather than appear in person. Those who show up voluntarily will be asked to write letters. Police agencies should be notified to encourage people to appear by telephone.
Traffic	Violation trials	Other Court Proceedings 6.a	Cases set for trial with complete affidavits received will be sent to a judge for ruling on the date scheduled for trial. Cases set for trial without complete affidavits are to be set over to a date after 8/31/2020. New NG pleas and request for trial to be set after 8/31/2020. Trial by affidavit packets to be sent with all trial notices.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Treatment Court Dockets	All hearings	Essential Proceedings Category 2 3.b.(3)(F) and 3.b.(4)	Treatment Court Judge to schedule and conduct via remote hearing when feasible and in consultation with the Presiding Judge.
Trial Call	Criminal Trial Subject to: ORS 135.746, ORS 136.290, ORS 136.295, Constitutional Speedy Trial Provisions	Trials 2.a.(1)-(4)	In person, at courthouse. To be scheduled at the Presiding Judge’s discretion in compliance with the defendant’s statutory and constitutional rights. Jury trials are <u>required to be cancelled in advance</u> . No jury panels will be called in unless strictly authorized by the PJ after consultation with the parties and any preassigned judge.
Trial Call	Criminal and Civil	Jury Trials 2.c.(1)-(5)	Reset all to a date after August 31, 2020 The calendar clerk will work with the Presiding Judge on a reasonable schedule and send new trial notices. Jury trials are <u>required to be cancelled in advance</u> . No jury panels will be called in unless strictly authorized by the PJ after consultation with the parties and any preassigned judge. Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-016(8.a.).
Trial Call	Criminal and Civil Excepting 2.a. cases	Bench Trials 2.d(1)-(4)	Reset all to a date after July 31, 2020 Prior to the trial date, the presiding judge will determine if the requirements of CJO 20-016(10) can be met. Any party may make motion to Presiding Judge for hearing due to exceptional circumstance CJO 20-016(8.a.).

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Trial Call	Immediate Danger Hearings - more than 2 hours.	Essential Proceedings Category 2 3.b.(3)(B)(i)	Remote hearings via telephone. See Exhibits CJO 20-016(7) and PJO 2020-04.
Trial Call	Termination Trials	Essential Proceedings Category 3 3.c.(3)(D)(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 6/30/2020. If default, to be conducted remotely to judge assigned by presiding judge. Party may make motion to PJ for hearing due to exceptional circumstance CJO 20-016(8.a.). If allowed in person, use social distancing.
Trial Call	Protective Order Cases New applications and hearings more than 2 hours	Essential Proceedings Category 2 3.b.(3)(B)(iii)	Remote hearings via telephone.
Trial Call	Criminal Contested Fitness to Proceed Hearings	Essential Proceedings Category 1 3.a.(3)(A)	Remote hearings via telephone or via video conferencing on GTM.
Trial Call	Diversion docket hearings	Other Court Proceedings 6.a	Commence August 1, 2020 if staffing allows. Hearing Procedure TBD. Defense attorney may make motion to PJ for hearing due to exceptional circumstance CJO 20-016(8.a.). If allowed in person, use social distancing.

Proceeding	Case or Hearing Type	CJO 20-016 category and paragraph	Operations Plan
Waiver of No Contact	Criminal Non-Oral	Essential Proceedings Category 2	Court will rule on the pleadings on the date scheduled