

# Chapter 3

2017 EDITION

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**3.010** [Amended by 1957 c.713 §3; repealed by 1961 c.724 §34]

**3.011** [1961 c.724 §1; 1963 c.491 §1; 1965 c.510 §1; 1965 c.618 §1; 1967 c.532 §1; 1967 c.533 §1; 1969 c.370 §1; 1971 c.640 §1; 1971 c.777 §1; 1973 c.572 §1; 1975 c.629 §1; 1977 c.386 §1; 1979 c.568 §14; 1981 c.215 §2; 1981 c.759 §1; 1985 c.65 §1; 1985 c.274 §1; 1985 c.311 §1; 1987 c.359 §1; 1989 c.1021 §1; 1991 c.298 §1; 1995 c.658 §§6,142,143a,144; repealed by 1997 c.801 §1 (3.012 enacted in lieu of 3.011)]

### JUDICIAL DISTRICTS, JUDGES AND JURISDICTION

**3.012 Judicial districts.** (1) The judicial districts, the counties constituting the judicial districts and the number of circuit court judges for each judicial district are as follows:

(a) The first judicial district consists of Jackson County and has nine judges.

(b) The second judicial district consists of Lane County and has 15 judges.

(c) The third judicial district consists of Marion County and has 14 judges.

(d) The fourth judicial district consists of Multnomah County and has 38 judges.

(e) The fifth judicial district consists of Clackamas County and has 11 judges.

(f) The sixth judicial district consists of the counties of Morrow and Umatilla and has five judges.

(g) The seventh judicial district consists of the counties of Gilliam, Hood River, Sherman, Wasco and Wheeler and has four judges.

(h) The eighth judicial district consists of Baker County and has one judge.

(i) The ninth judicial district consists of Malheur County and has two judges.

(j) The tenth judicial district consists of the counties of Union and Wallowa and has two judges.

(k) The eleventh judicial district consists of Deschutes County and has seven judges.

(L) The twelfth judicial district consists of Polk County and has three judges.

(m) The thirteenth judicial district consists of Klamath County and has five judges.

(n) The fourteenth judicial district consists of Josephine County and has four judges.

(o) The fifteenth judicial district consists of the counties of Coos and Curry and has six judges.

(p) The sixteenth judicial district consists of Douglas County and has five judges.

(q) The seventeenth judicial district consists of Lincoln County and has three judges.

(r) The eighteenth judicial district consists of Clatsop County and has three judges.

(s) The nineteenth judicial district consists of Columbia County and has three judges.

(t) The twentieth judicial district consists of Washington County and has 14 judges.

(u) The twenty-first judicial district consists of Benton County and has three judges.

(v) The twenty-second judicial district consists of the counties of Crook and Jefferson and has three judges.

(w) The twenty-third judicial district consists of Linn County and has five judges.

(x) The twenty-fourth judicial district consists of the counties of Grant and Harney and has one judge.

(y) The twenty-fifth judicial district consists of Yamhill County and has four judges.

(z) The twenty-sixth judicial district consists of Lake County and has one judge.

(aa) The twenty-seventh judicial district consists of Tillamook County and has two judges.

(2) The Secretary of State shall designate position numbers equal to the number of judges in each of the judicial districts established by this section. The positions shall reflect any qualifications established by ORS 3.041. [1997 c.801 §2 (enacted in lieu of 3.011); 1997 c.801 §2a; 2001 c.779 §1; 2001 c.823 §1; 2005 c.800 §1]

**Note:** The amendments to 3.012 by section 1, chapter 631, Oregon Laws 2017, become operative on January 7, 2019, except that the provisions for new circuit court judges are operative on August 2, 2017, for the purposes of nominating and electing new judges in 2017 and 2018 to assume the duties of the office on January 7, 2019. See section 2, chapter 631, Oregon Laws 2017. The text that is operative on and after January 7, 2019, is set forth for the user's convenience.

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(2) The Secretary of State shall designate position numbers equal to the number of judges in each of the judicial districts established by this section. The positions shall reflect any qualifications established by ORS 3.041.

### 3.013 State as single judicial district.

For the purposes of 15 U.S.C. 1692i, the state shall be considered a single judicial district. [1997 c.340 §7]

### 3.014 Special provisions for fourth judicial district (Multnomah County).

(1) One of the judges of the fourth judicial district shall hold court in the City of Gresham, Multnomah County, as directed by the Chief Justice of the Supreme Court but in no event less than one day a week. All proceedings resulting from alleged state traffic offenses or misdemeanors occurring east of 122nd Avenue extended to the north and south boundaries of Multnomah County shall be conducted in the court in Gresham unless the accused at first appearance in each action requests trial in Portland.

(2) A proceeding to be conducted in Gresham as provided in subsection (1) of this section shall be transferred without further order of the court to a court facility in Portland for all purposes if:

(a) The accused person is in the custody of a county sheriff or the Department of Corrections at the time set for any scheduled proceeding; or

(b) A circuit court in the fourth judicial district issues a bench warrant or a warrant of arrest against the accused for any criminal action pending before the court.

(3) Multnomah County shall provide facilities in the City of Gresham for a court judge to hold court as described under subsection (1) of this section. [Formerly 46.010; 2005 c.275 §1]

**3.015** [1961 c.724 §32; repealed by 1965 c.510 §24 and 1965 c.618 §11]

**3.016 Special provisions for sixth judicial district (Morrow and Umatilla Counties).** In the sixth judicial district, the judges of the district shall hold court in Pendleton, Hermiston, Milton-Freewater and Heppner as required by caseload. [1995 c.658 §6c; 2005 c.800 §2]

**3.020** [Amended by 1955 c.677 §2; 1957 c.665 §2; 1957 c.713 §4; repealed by 1959 c.557 §1 (3.022 enacted in lieu of 3.020)]

**3.021** [1953 c.52 §§1,2,3; repealed by 1955 c.677 §6]

**3.022** [1959 c.557 §2 (enacted in lieu of 3.020); repealed by 1961 c.724 §34]

**3.030 Election of circuit judges.** Each circuit judge shall hold office for the term for which the circuit judge was elected; and at the general election or, if applicable, at the election specified in ORS 249.088 next prior to the expiration of the term of office there shall be elected a circuit judge to succeed the circuit judge. [Amended by 1991 c.719 §1]

**3.040** [Amended by 1955 c.677 §3; 1957 c.665 §4; 1957 c.713 §5; repealed by 1961 c.724 §34]

**3.041 Qualifications of circuit judges; residence.** (1) Each judge of the circuit court shall be a citizen of the United States and a resident of this state.

(2) Each judge of the circuit court shall be a resident of or have principal office in the judicial district for which the judge is elected or appointed, except that in any judicial district having a population of 500,000 or more, according to the latest federal decennial census, any judge of the circuit court may reside within 10 miles of the boundary of the judicial district.

(3) In the seventh judicial district, two of the judges of the circuit court shall be residents of or have principal offices in Wasco County, Sherman County, Gilliam County or Wheeler County and two shall be residents of or have principal offices in Hood River County, Sherman County, Gilliam County or Wheeler County.

(4) In the fifteenth judicial district, four of the judges of the circuit court shall be residents of or have principal offices in Coos County and two shall be residents of or have principal offices in Curry County.

(5) The residence within this state required by subsection (1) of this section shall have been maintained for at least three years, and the residence or principal office required by subsections (2) to (4) of this section shall have been maintained for at least one year, immediately prior to appointment or becoming a candidate for election to the office of circuit court judge. [1961 c.724 §2; 1963 c.491 §6; 1965 c.510 §2; 1965 c.618 §4; 1967 c.532 §3; 1967 c.533 §7; 1971 c.777 §2; 1973 c.572 §2; 1977 c.386 §4; 1979 c.568 §15; 1981 c.759 §8; 1985 c.65 §2; 1985 c.311 §3; 1995 c.79 §3; 1995 c.658 §6a; 1997 c.801 §6; 2001 c.779 §2]

**3.050 Circuit judges to be members of bar.** No person is eligible to the office of judge of the circuit court unless the person is a member of the Oregon State Bar. [Amended by 1961 c.724 §3]

**3.060 Salary of judges; expenses.** Each of the judges of the circuit court shall receive such salary as is provided by law. When any judicial district is composed of more than one county a judge thereof is entitled to reimbursement for hotel bills and traveling expenses necessarily incurred by the judge in the performance of duties outside the county of residence. When any circuit judge holds court in any county outside of the judicial district for which the circuit judge was elected or appointed, hotel bills and traveling expenses necessarily incurred by the judge in the performance of that duty shall be paid by the state. Such hotel bills and traveling expenses are to be paid by the state upon the certificate of the judge to the truth of an itemized statement of such hotel bills and traveling expenses. The certificate of expenses is a sufficient voucher upon which the Oregon Department of Administrative Services shall review the claim as required by ORS 293.295 and draw its warrant upon the State Treasurer for the amount thereof in favor of such circuit judge. [Amended by 1953 c.516 §3; 1955 c.531 §1; 1957 c.646 §1; 1959 c.552 §14; 1961 c.702 §2; 1965 c.171 §1; 1965 c.619 §1; 1967 c.38 §1; 1967 c.111 §1; 1969 c.365 §1; 1971 c.95 §2; 1971 c.642 §1]

**3.065** [1967 c.531 §1; 1981 s.s. c.1 §8; repealed by 1995 c.781 §51]

**3.070 Powers of judges in chambers; filing and entering of decisions not signed in open court.** Any judge of a circuit court in any judicial district may, in chambers, grant and sign defaults, judgments, interlocutory orders and provisional remedies, make findings and decide motions, demurrers and other like matters relating to any judicial business coming before the judge from any judicial district in which the judge has presided in such matters. The judge may hear, in chambers, contested motions, demurrers and other similar matters pending within the judicial district, at any location designated under ORS 1.085. Upon stipulation of counsel, the judge may try and de-

termine any issue in equity or in law where a jury has been waived and hear and decide motions, demurrers and other like matters, in chambers, at any location in the state where the judge may happen to be, relating to any judicial business coming before the judge from any judicial district in which the judge has presided in such matters. The judge may exercise these powers as fully and effectively as though the motions, demurrers, matters or issues were granted, ordered, decided, heard and determined in open court in the county where they may be pending. If signed other than in open court, all such orders, findings and judgments issued, granted or rendered, other than orders not required to be filed and entered with the clerk before becoming effective, shall be transmitted by the judge to the clerk of the court within the county where the matters are pending. They shall be filed and entered upon receipt thereof and shall become effective from the date of entry in the register. [Amended by 1983 c.763 §5; 1991 c.111 §1; 2003 c.576 §269; 2007 c.547 §9]

**3.075 Powers of judges to act in joint or separate session; testing process.** If two or more persons are sitting as judges of the circuit court in a judicial district:

(1) Any two or more of them may act in joint session for the trial or determination of any cause, matter or proceeding before the court in the judicial district, including jury cases. If the judges acting in joint session are equally divided in opinion, the opinion of the presiding judge prevails; otherwise the decision of the majority prevails.

(2) Each of them may proceed separately with and try, simultaneously in the judicial district, all causes, matters and proceedings brought before the court.

(3) Process may be tested in the name of any of them. [1959 c.552 §9; 1995 c.781 §6; 2015 c.212 §12]

**3.080** [Repealed by 1959 c.552 §16]

**3.081** [1959 c.552 §5; repealed by 1975 c.706 §10]

**3.090** [Repealed by 1959 c.552 §16]

**3.091** [1959 c.552 §6; repealed by 1975 c.706 §10]

**3.096** [1959 c.552 §7; repealed by 1975 c.706 §10]

**3.100** [Repealed by 1959 c.552 §16]

**3.101** [1961 c.405 §1; 1969 c.591 §263; repealed by 1995 c.658 §127]

**3.102** [Formerly 3.110; 1959 c.576 §1; renumbered 3.570]

**3.105** [1953 c.35 §1; repealed by 1959 c.549 §7]

**3.106** [1953 c.35 §2; repealed by 1959 c.549 §7]

**3.107** [1953 c.35 §3; repealed by 1959 c.549 §7]

**3.108** [1953 c.35 §4; repealed by 1959 c.549 §7]

**3.109** [1953 c.35 §5; repealed by 1959 c.549 §7]

**3.110** [Renumbered 3.102 and then 3.570]

**3.111** [1953 c.35 §6; repealed by 1959 c.549 §7]

**3.112** [1953 c.35 §9; repealed by 1959 c.549 §7]

**3.113** [1953 c.35 §7; repealed by 1959 c.549 §7]

**3.114** [1953 c.35 §8; repealed by 1959 c.549 §7]

**3.115** [1953 c.35 §10; repealed by 1959 c.549 §7]

**3.120** [Repealed by 1959 c.552 §16]

**3.130 Transfer of judicial jurisdiction of certain county courts to circuit courts.**

(1) All judicial jurisdiction, authority, powers, functions and duties of the county courts and the judges thereof, except the jurisdiction, authority, powers, functions and duties exercisable in the transaction of county business, are transferred to the circuit courts and the judges thereof:

(a) In Baker, Clackamas, Columbia, Coos, Douglas, Jackson, Josephine, Klamath, Lake, Lane, Marion and Tillamook Counties.

(b) In any county for which a county charter providing for such transfer is adopted under ORS 203.710 to 203.770, to the extent that the judicial jurisdiction, authority, powers, functions and duties were not previously transferred as provided by law.

(2) All matters, causes and proceedings relating to judicial jurisdiction, authority, powers, functions and duties transferred to the circuit courts and the judges thereof under this section, and pending in a county court on the effective date of the transfer, are transferred to the circuit court for the county. [Amended by 1955 c.677 §4; 1957 c.275 §1; 1957 c.713 §6; 1961 c.724 §4; 1963 c.512 §1; 1965 c.247 §1; 1965 c.510 §3; 1965 c.618 §5; 1967 c.268 §1; 1967 c.533 §8; 1967 c.534 §9; 1969 c.286 §1; 1969 c.591 §264]

**3.132 Concurrent jurisdiction with justice and municipal courts.** In addition to other cases over which they have jurisdiction, circuit courts shall have the same criminal and quasi-criminal jurisdiction as justice courts and shall have concurrent jurisdiction with municipal courts of all violations of the charter and ordinances of any city wholly or in part within their respective judicial districts committed or triable within the counties in the judicial district. [Formerly 46.040]

**3.134 Application of state statutes to municipal ordinance.** When an offense defined by municipal ordinance is tried in circuit court, it shall be subject to the same statutes and procedures that govern the trial and appeal of a like offense defined by a statute of this state. [Formerly 46.047]

**3.135** [1961 c.724 §5; repealed by 1965 c.510 §24]

**3.136 Jurisdiction over violations of Portland charter and ordinances; disposition of moneys; hearings officers.** (1) The circuit court for a county within the boundaries of which there is situated the largest part of a city having a population of more than 300,000 shall have all judicial jurisdiction, authority, powers, functions and duties of the municipal court of each such city and the judges thereof with respect to all vio-

lations of the charter and ordinances of each such city.

(2) All fees, fines, security deposit forfeitures and other moneys collected and received by a circuit court in matters, causes and proceedings with respect to all violations over which such circuit court is granted judicial jurisdiction by subsection (1) of this section shall be collected, handled and disposed of by the clerk of such circuit court as otherwise provided by law for moneys collected and received by such circuit court.

(3) Subsection (1) of this section does not preclude the city from employing one or more quasi-judicial hearings officers empowered to hold hearings concerning violations of the charter, ordinances, rules and regulations of the city, to adopt rules and regulations relating to the conduct of the hearings process and to impose civil penalties and grant other relief as may be necessary to enforce and obtain compliance with the charter, ordinances, rules and regulations of the city. The jurisdiction and authority of a hearings officer shall not include any traffic or parking offense. The city may enforce any order of a hearings officer by a civil action in a court of appropriate jurisdiction. [Formerly 46.045; 1999 c.1051 §235]

**3.140** [Amended by 1965 c.510 §4; repealed by 1969 c.591 §305]

**3.150** [Amended by 1957 s.s. c.8 §1; 1961 c.724 §6; 1965 c.510 §5; 1979 c.77 §1; repealed by 1983 c.673 §26]

**3.160** [Amended by 1957 s.s. c.8 §2; 1959 c.557 §3; 1961 c.724 §7; 1965 c.510 §6; repealed by 1981 c.215 §8]

**3.165** [1961 c.724 §8; repealed by 1965 c.510 §24]

**3.170** [Amended by 1965 c.510 §7; repealed by 1981 c.215 §8]

**3.180** [1965 c.618 §7; 1967 c.533 §9; repealed by 1969 c.591 §305]

**3.185 Habeas corpus hearings by Circuit Court for Marion County.** (1) Notwithstanding ORS 1.040, a judge of the Circuit Court for Marion County when hearing matters relating to writs of habeas corpus as provided in ORS 34.310 to 34.730 may direct that the court be held or continued at any location designated under ORS 1.085 and under such conditions as may be ordered.

(2) When a court is held at a location directed as provided by subsection (1) of this section, every person held or required to appear at the court shall appear at the location so directed. [1975 c.236 §1; 1983 c.763 §6; 2007 c.547 §10]

**3.210** [Amended by 1955 c.677 §5; 1957 c.665 §3; 1957 c.713 §8; 1959 c.557 §4; repealed by 1961 c.724 §34]

**3.220 Rules; procedure when judges disagree.** (1) A circuit court may make and enforce all rules necessary for the prompt and orderly dispatch of the business of the court and not inconsistent with applicable provisions of law, the Oregon Rules of Civil

Procedure or rules made or orders issued by the Chief Justice of the Supreme Court or the presiding judge for the judicial district. If a majority of the judges of the court in a judicial district having two or more circuit court judges do not agree in respect to the making of rules under this subsection, the decision of the presiding judge shall control.

(2)(a) A certified copy of a rule referred to in subsection (1) of this section made or in effect before January 1, 1984, shall be filed in the office of the State Court Administrator not later than January 1, 1984. If a copy of a rule is not so filed, the rule is void.

(b) A certified copy of a rule referred to in subsection (1) of this section made or amended on or after January 1, 1984, shall be filed in the office of the State Court Administrator. No rule or amendment shall be effective unless so filed, and no rule or amendment so filed shall become effective before the 30th day after the date of filing.

(c) The State Court Administrator shall maintain the copies of all rules filed pursuant to this subsection, and shall keep a record of the date of filing thereof. The administrator shall, upon request, supply copies of the rules, and may charge a reasonable fee for such copies in order to recover the cost of compilation, copying and distribution of the rules. [Subsection (2) of 1955 part derived from 1953 c.52 §§6,7; 1957 c.713 §9; 1961 c.724 §9; 1967 c.531 §2; 1973 c.484 §3; 1981 c.215 §4; 1981 s.s. c.1 §9; 1983 c.763 §31; 1995 c.781 §7]

**3.225 Establishing specialized subject-matter departments; approval by Chief Justice; eligibility and assignment of judges.** Subject to the approval of the Chief Justice of the Supreme Court, a circuit court, by rule under ORS 3.220, may establish specialized subject-matter departments of the court, and may modify or abolish departments so established. Any judge of the court may act in any department so established or modified by rule. The presiding judge for the judicial district may assign any judge of the court to act in any department so established or modified by rule. [1981 c.215 §1; 1995 c.781 §8]

**3.227** [1987 c.714 §4; repealed by 1995 c.658 §127]

**3.229** [1987 c.714 §5; 1995 c.781 §9; repealed by 1995 c.658 §127]

**3.230** [Subsection (3) of 1957 part derived from 1953 c.52 §6; 1957 c.713 §10; 1957 s.s. c.8 §3; repealed by 1959 c.552 §16]

**3.232** [Formerly 4.010; repealed by 2015 c.212 §3]

**3.235** [Formerly 4.105; 2015 c.119 §3; repealed by 2015 c.212 §3]

**3.238** [Formerly 4.410; 1985 c.540 §20; repealed by 2013 c.155 §12]

**3.240** [Amended by 1957 c.713 §11; repealed by 1961 c.724 §34]

## JURISDICTION OVER JUVENILE AND FAMILY-RELATED MATTERS

**3.250 Definitions for ORS 3.250 to 3.280.** As used in ORS 3.250 to 3.280, unless the context requires otherwise:

(1) “Child” means a person under 18 years of age.

(2) “Court services” includes but is not limited to services and facilities relating to intake screening, juvenile detention, shelter care, investigations, study and recommendations on disposition of cases, probation on matters within the jurisdiction of the court under ORS 3.260, family counseling, conciliation in domestic relations, group homes, and psychological or psychiatric or medical consultation and services provided at the request of or under the direction of the court, whether performed by employees of the court, by other government agencies or by contract or other arrangement. [1967 c.534 §1; 1987 c.158 §2; 1987 c.320 §12; 2001 c.904 §10; 2001 c.905 §10]

**3.255 Policy and intent.** It is declared to be the policy and intent of the Legislative Assembly:

(1) Notwithstanding concurrent jurisdiction, that family and family-related matters before the courts be concentrated in a single judicial jurisdiction, the circuit court.

(2) The judges of the circuit court need adequate court services to assist them in exercising jurisdiction over the family and family-related matters. [1967 c.534 §2]

**3.260 Juvenile jurisdiction vested in circuit courts; authority for transfer of jurisdiction over family-related matters to circuit courts.** (1) The circuit courts and the judges thereof shall exercise all juvenile court jurisdiction, authority, powers, functions and duties.

(2) Pursuant to ORS 3.275, in addition to any other jurisdiction vested in it by law, the circuit court shall exercise exclusive and original judicial jurisdiction, authority, powers, functions, and duties in the judicial district in any or all of the following matters that on the date specified in the order entered under ORS 3.275 are not within the jurisdiction of the circuit court:

(a) Adoption.

(b) Change of name under ORS 33.410.

(c) Filiation.

(d) Commitment of persons with mental illness or mental retardation.

(e) Any suit or civil proceeding involving custody or other disposition of a child or the support thereof or the support of a spouse, including enforcement of the Uniform Reciprocal Enforcement of Support Act and en-

forcement of out-of-state or foreign judgments and decrees on domestic relations.

(f) Waivers of the three-day waiting period before a marriage license becomes effective under ORS 106.077.

(g) Issuance of delayed reports of live birth. [1967 c.534 §3; 1979 c.724 §1; 2003 c.576 §270; 2007 c.70 §2; 2013 c.366 §47]

**3.265 Limits on transfer of juvenile jurisdiction.** (1) Notwithstanding ORS 3.260, no transfer of jurisdiction required by ORS 3.260 (1) shall occur in the following counties until the county court approves such transfer either as of July 1, 1968, or thereafter:

(a) Gilliam, Sherman, Wheeler, Harney or Morrow County.

(b) Any county that as of July 1, 1968, has a population of less than 11,000 and in which the judge of the circuit court does not reside.

(2) Notwithstanding the limitation on transfer of juvenile jurisdiction in subsection (1) of this section, the circuit court in the judicial district shall exercise exclusive and original judicial jurisdiction, authority, powers, functions and duties in all proceedings under ORS 419B.500 to 419B.508 filed after October 3, 1989. [1967 c.534 §3a; 1989 c.531 §1; 1993 c.33 §272; 1995 c.658 §13]

**3.270 Transfer of juvenile jurisdiction and jurisdiction over family-related matters to circuit courts.** (1) All judicial jurisdiction, authority, powers and duties of the county courts and the judges thereof over matters described in ORS 3.260 (1), are transferred to the circuit courts and the judges thereof.

(2) All judicial jurisdiction, authority, powers and duties of the county courts and justice courts and the judges thereof over matters described in ORS 3.260 (2) or so much thereof as may be ordered under ORS 3.275, in so far as such jurisdiction, authority, powers, functions and duties are exercised by such courts and the judges thereof on the date specified in the order entered under ORS 3.275, are transferred to the circuit courts and the judges thereof by which the order was entered.

(3) All matters, causes and proceedings relating to jurisdiction, authority, powers, functions and duties transferred to the circuit court and the judges thereof under either subsection (1) or (2) of this section and pending in the county or justice court on the effective date of the transfer, are transferred to the circuit court for the county.

(4) Appeals pending in a circuit court under ORS 179.650 (1987 Replacement Part), 419.561 (1991 Edition) or 419.A.200 immediately before the date specified in the order

entered under ORS 3.275 shall be conducted and completed pursuant to the provisions of law in effect immediately before that date, except that the circuit court shall be considered to be the court appealed from in so far as further disposition of the case is concerned. [1967 c.534 §4; 1989 c.348 §13; 1993 c.33 §273; 1993 c.717 §3; 1995 c.658 §14]

**3.275 Procedure for transfer of jurisdiction over certain family-related matters.** (1) After making a determination that conditions in the judicial district make it desirable to concentrate jurisdiction over all or part of family and family-related matters in the circuit court, the circuit court by its own order shall exercise jurisdiction over any or all of the matters described in ORS 3.260 (2) on and after July 1 next following entry of the order.

(2) Any circuit court that enters an order pursuant to this section shall cause copies of the order to be filed with the Oregon Supreme Court and with the county or justice court whose jurisdiction is affected by the order. [1967 c.534 §5; 1995 c.658 §16]

**3.280 Court services for circuit courts.**

(1) The circuit court may obtain court services by using services available without charge or, with the prior approval of the governing body of each county in the judicial district, by:

(a) Employing or contracting for personnel or services; or

(b) Contracting or entering into agreements with public or private agencies or with private firms or individuals, or any of them.

(2) Court services obtained under subsection (1) of this section shall be subject to the supervision of the circuit court.

(3) The compensation and expenses of personnel performing or providing court services and the expenses of providing court services shall be determined by the circuit court and shall be subject to the approval of and be paid by the county or counties making up the judicial district, subject to the Local Budget Law. For purposes of retirement benefits, personnel employed by the court may be considered county employees. Personnel performing or providing court services are not state employees, and their compensation and expenses shall not be paid by the state. [1967 c.534 §6; 1981 s.s. c.3 §22]

**PANEL OF REFERENCE JUDGES**

**3.300 Establishment and termination of panel for disposition of civil actions in circuit court; eligibility for panel; limitation on powers.** (1) Subject to the approval of the Chief Justice of the Supreme Court, the presiding judge for a judicial district may

establish, and may terminate, the use of a panel of reference judges for the trial and disposition of civil actions in the circuit court under ORS 3.300 to 3.321.

(2) The Supreme Court, upon motion of the Chief Justice and the presiding judge may appoint any eligible person as a reference judge on the panel established under this section. A person is eligible for appointment as a reference judge if the person is a member in good standing of the Oregon State Bar. An eligible person need not reside within the judicial district for which use of the panel is established.

(3) A person appointed as a reference judge on a panel may be removed from the panel by the Chief Justice or the presiding judge for the judicial district, in the sole discretion of the Chief Justice or presiding judge.

(4) A person appointed as a reference judge on a panel is subject to the jurisdiction of the Commission on Judicial Fitness and Disability and the Supreme Court under ORS 1.420 and 1.430 in the same manner as a judge of the circuit court.

(5) A person appointed as a reference judge on a panel shall not be considered to be, or to have the judicial powers, duties, jurisdiction and authority of, a judge of the circuit court except to the extent provided in ORS 3.300 to 3.321. [1983 c.704 §1; 1995 c.781 §10]

**3.305 Request for referral of action to reference judge; selection of reference judge; revocation of referral.** (1) At any time before trial of a civil action in a circuit court for which use of a panel of reference judges is established under ORS 3.300, the parties to the action may file with the presiding judge for the judicial district a written request for referral of the action to a reference judge on the panel. Upon receipt of the request, the presiding judge, by order, shall refer the action to a reference judge.

(2) The parties, in their request for referral, may specify a particular reference judge, and the presiding judge shall refer the action to the reference judge so specified.

(3) If the parties do not specify a particular reference judge, the presiding judge shall select a reference judge and notify the parties of the selection. Within 10 days after selection of a reference judge by the presiding judge, the parties may file with the presiding judge a written rejection of the reference judge so selected and request that the presiding judge make another selection.

(4) A reference judge may decline to accept a referral of an action by the presiding judge. If a reference judge declines to accept a referral, the parties may file with the presiding judge a written specification of, or the

presiding judge may select, another reference judge.

(5) The request by parties for referral of an action shall include a stipulation by the parties to the entry of the judgment arising from the reference as the judgment of the court. If the action is triable by right to a jury, the request shall constitute a waiver of the right of trial by jury by any party having that right.

(6) The presiding judge may revoke a referral of an action when, in the opinion of the presiding judge, the trial of the action on reference is being unduly delayed. If the referral is revoked, the presiding judge may require the person or persons responsible for the undue delay to bear all or part of the expense of the trial incurred before the revocation. [1983 c.704 §2; 1995 c.781 §11]

**3.310** [Amended by 1955 c.715 §2; 1959 c.557 §5; 1961 c.724 §10; 1965 c.510 §8; repealed by 1981 c.215 §8]

**3.311 Delivery of order to reference judge; notice of time and place of trial; procedure; witnesses.**

(1) Upon entry of an order of the presiding judge for a judicial district referring an action under ORS 3.305, the clerk of the court shall cause a copy of the order to be delivered to the reference judge. Upon receipt of the copy of the order, the reference judge shall set the action for trial on reference at a time and in a place agreeable to the parties.

(2) At least five days before the date set for a trial on reference, the reference judge shall notify the clerk of the court of the time and place of the trial. The clerk shall post a notice of the time and place of the trial in a conspicuous place for trial notices at the principal location for the sitting of the court in the county in which the action is commenced.

(3) Any person interested in attending a trial on reference is entitled to do so as in a trial of a civil action in the court. Upon receipt of written request by any person, the reference judge shall give the person written notice of the time and place set for a trial on reference.

(4) Except as otherwise provided in ORS 3.300 to 3.321, the reference judge has all the judicial powers and duties of a judge of the circuit court to regulate all proceedings in the trial and disposition of the action on reference.

(5) The reference judge shall provide clerical personnel necessary for the conduct of the proceedings in the trial on reference, including a trial court reporter unless waived by the parties. If use of a trial court reporter is waived by the parties, the proceedings in the trial shall be reported by an audio record reporting device.

(6) The trial on reference shall be conducted in the same manner as a trial by the circuit court without a jury. The reference judge shall apply the substantive law used in the courts of this state in deciding the issues submitted by the parties. Unless waived in whole or part by the parties, the reference judge shall apply the rules of pleading, practice, procedure and evidence used in the circuit courts of this state.

(7) The parties may procure the attendance of witnesses before the reference judge by the issuance and service of subpoenas as provided in ORCP 55. If, without adequate excuse, a witness fails to appear or give evidence, that witness may be punished as for a contempt by the reference judge and be subjected to the consequences, penalties and remedies provided in ORCP 55 G.

(8) Reference judges may conduct proceedings for the imposition of remedial sanctions under ORS 33.055, but may not conduct proceedings for the imposition of punitive sanctions under ORS 33.065. [1983 c.704 §3; 1991 c.724 §15a; 1995 c.781 §12]

**3.312** [1961 c.724 §12; repealed by 1965 c.510 §24]

**3.314** [1961 c.724 §13; repealed by 1981 c.215 §8]

**3.315 Proposed report of reference judge; objections; final report; filings with clerk; entry of report as judgment of court.** (1) Within 20 days after the close of all evidence offered in a trial on reference conducted under ORS 3.311, unless a later time is agreed upon by the parties, the reference judge shall mail to each party a copy of the proposed written report of the reference judge. The proposed report shall contain the findings of fact and conclusions of law by the reference judge, and the judgment thereon of the reference judge.

(2) Within 10 days after receipt of the copy of the proposed report, any party may serve written objections and suggested modifications or corrections to the proposed report upon the reference judge and the other parties. The reference judge without delay shall consider the objections and suggestions and prepare a final written report. If requested by any party, the reference judge shall conduct a hearing on the proposed written report and any objections or suggested modifications or corrections thereto before preparing the final written report.

(3) Upon completion of the final written report, the reference judge shall file with the clerk of the circuit court:

(a) Copies of all original papers in the action filed with the reference judge;

(b) The exhibits offered and received or rejected in the trial on reference;

(c) The transcript of the proceedings in the trial, if a trial court reporter was used in the trial;

(d) The audio record of the proceedings in the trial, if a trial court reporter was not used in the trial; and

(e) The final written report containing the findings of fact and conclusions of law by the reference judge, and the judgment thereon of the reference judge.

(4) In the interest of economy, the presiding judge for a judicial district may allow the reference judge to file the final written report under subsection (3) of this section without any of the items listed in subsection (3)(a) to (d) of this section. However, the presiding judge shall require the reference judge to file the items listed in subsection (3)(a) to (d) of this section if timely notice of appeal of the judgment is filed.

(5) At the time the reference judge files the final written report under subsection (3) of this section, the reference judge shall mail to each party a copy of the report.

(6) Upon receipt of the final written report by the clerk of the court, the referral of the action shall terminate and the presiding judge shall order the judgment contained in the report entered as the judgment of the court in the action. Subsequent motions and other related post-trial proceedings in the action may be conducted and disposed of by the reference judge upon the order of the presiding judge, in the sole discretion of the presiding judge, or may otherwise be assigned by the presiding judge.

(7) The judgment of the reference judge entered as provided in subsection (6) of this section may be appealed in the same manner as a judgment of the circuit court in a civil action. [1983 c.704 §4; 1995 c.781 §13; 2003 c.576 §231]

**3.320** [Repealed by 1981 c.215 §8]

**3.321 Compensation of reference judge; payment procedure.** (1) Unless otherwise agreed by the parties, the compensation of a reference judge to whom an action is referred under ORS 3.305 shall be an amount for each day actually engaged in the performance of duties under the referral and in the conduct and disposition of post-trial proceedings under ORS 3.315 (6) equal to five percent of the gross monthly salary of a regularly elected and qualified judge of the circuit court, or one-half of that daily compensation for services of one-half day or less.

(2) Payment of the compensation of a reference judge and the expense of the trial on reference before the reference judge shall be the obligation of the parties. The obligation shall be borne equally by the parties

unless the parties agree to a different allocation.

(3) The presiding judge for the judicial district shall estimate the compensation of the reference judge and the expense of the trial on reference in advance of the trial, and shall notify the parties of the estimate. The parties shall deposit with the clerk of the court the amount estimated by the presiding judge. The presiding judge may order the clerk to pay a portion of the deposited amount to the reference judge during the trial on reference. Upon termination of the referral of the action, the reference judge shall cause to be delivered to the presiding judge and each party a written statement of any remaining unpaid compensation and expense. The presiding judge shall hear and decide any objection to the written statement, and thereafter shall order payment to the reference judge or refund of any remainder of the deposited amount accordingly. [1983 c.704 §5; 1995 c.781 §14]

**3.330** [Amended by 1971 c.108 §1; 1979 c.77 §2; repealed by 1981 c.215 §8]

**3.340** [Repealed by 1969 c.591 §305]

**3.350** [Repealed by 1981 c.215 §8]

**3.360** [Repealed by 1981 c.215 §8]

**3.370** [Repealed by 1959 c.552 §16]

**3.380** [Amended by 1961 c.724 §14; 1973 c.484 §4; repealed by 1981 c.215 §8]

**3.390** [Repealed by 1981 c.215 §8]

**3.400** [Repealed by 1981 c.215 §8]

## FAMILY LAW

### (Family Court Departments)

**3.405 Application to establish family court department; assignment of judges; authority of judges.** (1) A family court department may be established in the circuit court of a judicial district upon the written application of the presiding judge. The written application must be made to the Chief Justice of the Supreme Court. Upon receipt and approval of a written application, the Chief Justice shall designate a date for commencing operation of the family court department in the judicial district. The provisions of this section do not affect the ability of a circuit court to establish specialized subject-matter departments in the manner provided by ORS 3.225.

(2) In every judicial district in which a family court department is established under this section, the presiding judge of the judicial district may assign one or more judges to serve in the family court department.

(3) Judges serving in the family court department have the same jurisdiction, authority, powers, functions and duties as any

other circuit court judge and shall be elected and qualified in the same manner as any other circuit court judge.

(4) For the purposes of this section, “judicial district” means a judicial district enumerated under the provisions of ORS 3.012. [1993 c.165 §1; 1995 c.658 §125]

**3.408 Matters assignable to family court department.** (1) The presiding judge of the judicial district may assign to a family court department established under ORS 3.405 all of the following matters:

(a) Proceedings under the provisions of ORS chapters 107, 108, 109 and 110;

(b) Proceedings under the provisions of ORS chapter 25;

(c) Guardianship proceedings for minors under the provisions of ORS chapter 125;

(d) Juvenile court proceedings under ORS chapters 419A, 419B and 419C;

(e) Proceedings to commit a person with a mental illness under the provisions of ORS chapter 426;

(f) Probate proceedings under ORS chapters 111, 112, 113, 114, 115, 116 and 117; and

(g) Any other proceeding in which a family is involved.

(2) In addition to the matters specified in subsection (1) of this section, the presiding judge of the judicial district may assign to a family court department any criminal proceeding that involves domestic violence or other crime between family members. [1993 c.165 §2; 1995 c.608 §19; 1995 c.664 §67; 1995 c.781 §15; 1995 c.800 §7; 1999 c.1081 §1; 2007 c.70 §3; 2011 c.720 §51]

**3.410** [Amended by 1955 c.715 §3; 1959 c.557 §6; repealed by 1961 c.724 §34]

**3.411** [1961 c.724 §15; 1965 c.618 §9; 1967 c.531 §3; 1967 c.533 §11; 1971 c.640 §2; repealed by 1981 c.215 §8]

**3.412 Chief family court judge.** If there is more than one judge assigned to a family court department for the judicial district, the presiding judge of the judicial district may designate one of the judges as the chief family court judge. [1993 c.165 §3]

**3.414 Assignment of matters relating to same child.** Upon assignment to the family court department of the cases specified in ORS 3.408, the presiding judge of the judicial district shall insure, when reasonable and appropriate, that all cases that involve the same minor child be assigned to the same judge. [1993 c.165 §4]

**3.417 Coordination of services.** The presiding judge of the judicial district may establish procedures for coordinating all services that may be available to persons who are or who may become parties in the proceedings specified in ORS 3.408. [1993 c.165 §5]

**3.420 Abolishment of family court department.** At any time after the establishment of a family court department under ORS 3.405, the family court department shall be abolished if the presiding judge of the judicial district makes written application to the Chief Justice of the Supreme Court requesting that the family court department for that judicial district be abolished. [1993 c.165 §6; 1995 c.658 §126]

**3.423 Family court department rules.** The Chief Justice of the Supreme Court may promulgate court rules for family court departments established under ORS 3.405. [1993 c.165 §7]

**3.425 Family law education programs.** (1) The family court department or, if there is no family court department, the presiding judge or designee of each circuit court may establish an education program designed to inform parents about the impact of family restructuring on children when the parent is a named party in any of the following proceedings:

- (a) An annulment or dissolution of marriage action.
- (b) A legal separation action.
- (c) A petition to establish custody or parenting time.
- (d) Post-judgment litigation involving custody or parenting time.

(2) An education program established under subsection (1) of this section must include, but need not be limited to, information about:

- (a) The emotional impact of a dissolution of marriage or a separation on children at different developmental stages.
- (b) Parenting during and after a dissolution of marriage or a separation.
- (c) Custody, parenting time and shared parenting plans.
- (d) The effect on children of parental conduct including, but not limited to, long distance parenting.
- (e) Mediation and conflict resolution.

(3) The family court department or, if there is no family court department, the presiding judge or designee of each circuit court may establish an education program designed to provide information about dissolution law and legal procedures, mediation and other dispute resolution alternatives to persons seeking to annul or dissolve a marriage or to separate from each other. The program must include, but need not be limited to, information about:

- (a) Shared parenting plans.
- (b) Division of marital property.
- (c) Spousal and child support.

(d) Court procedures and time requirements.

(e) Litigation, mediation and conflict resolution.

(f) The role of attorneys in mediation.

(4) The court may order the parties in any action listed in subsection (1) of this section to participate in education programs described in this section unless:

(a) Subject to the approval of the court, the parties agree not to participate;

(b) On motion of either party or on its own motion, the court determines that participation is unnecessary; or

(c) With prior approval of the court, the parties select and participate in comparable education programs.

(5) The court may not require both parties to attend an education program established under this section at the same time.

(6)(a) The family court department or, if there is no family court department, the presiding judge or designee of each circuit court shall designate the program providers for the education programs.

(b) A program provider may charge a person a reasonable fee to attend education programs. A program provider may not exclude a person from attending education programs due to an inability to pay the fee if the court has indicated that the person is indigent or otherwise unable to pay the fee.

(c) A program provider shall issue a certificate of completion to a participant when the participant has satisfactorily completed the education programs. A certificate of completion must be filed with the court prior to the entry of the judgment in the action. [1995 c.800 §10(1),(2),(3); 1997 c.249 §2; 1997 c.707 §4; 1999 c.59 §3; 2003 c.576 §271]

#### (Family Law Facilitation Programs)

**3.428 Family law facilitation programs.** (1) A family law facilitation program may be established by the judges of the family court department of a circuit court. If there is no family court department for the court, a family law facilitation program may be established for a circuit court by the presiding judge for the judicial district. A family law facilitation program shall be designed to assist litigants in domestic relations or other family court proceedings described in ORS 3.408. The program shall be developed in consultation with the local family law advisory committee established for the judicial district under ORS 3.434. The program shall operate under the supervision of the family court department or, if there is no family court department, under the supervision of the presiding judge for the judicial district.

Services under the program shall be provided by court personnel in facilities under the supervision and control of the family court department or, if there is no family court department, under the supervision and control of the presiding judge for the judicial district. The program may provide:

- (a) Educational materials.
- (b) Court forms.
- (c) Assistance in completing forms.
- (d) Information about court procedures.
- (e) Referrals to agencies and resources that provide legal and other services to parents or children.

(2) All materials, forms, instructions and referral lists provided through the program must be approved by the family court department or, if there is no family court department, by the presiding judge for the judicial district.

(3) Except for those fees authorized for forms under ORS 21.245, services provided through the program shall be provided without charge.

(4) An employee or other person providing services to litigants through a family law facilitation program as provided in this section is not engaged in the practice of law in this state for the purposes of ORS 9.160.

(5) Except as provided in subsection (6) of this section, an employee or other person who assisted litigants through a family law facilitation program may not, for a period of one year after leaving the program, charge or collect any fee from a litigant for services relating to a matter that was the subject of assistance under the program.

(6) The prohibition of subsection (5) of this section does not apply to persons admitted to the practice of law in this state. [1999 c.1095 §1; 2009 c.218 §5]

### (Family Court Advocate Programs)

**3.430 Family court advocate programs; goals; duties.** (1) The Judicial Department shall establish family court advocate programs in counties specified in subsection (4) of this section. The programs shall be designed to develop an efficient system for providing integrated, family-focused prevention and intervention services to at-risk families identified by the family courts in those counties, and to coordinate available human services and community resources with the family courts in those counties, both for the purpose of court proceedings and for the purpose of preventing the types of problems that eventually lead to involvement with the judicial system.

(2) The family court advocate programs implemented under this section shall emphasize the following goals:

- (a) Protection of children.
- (b) Successful completion of family plans designed by the programs.
- (c) Improved linkage between the family court and community services.
- (d) Improvements in the functioning of each family that is provided services by the programs.
- (e) Decreased caseload in the courts of this state in matters relating to families.
- (f) Integration of family services.
- (g) Identification of and referral to alternatives to court proceedings.

(3) The family court advocate programs shall:

(a) Coordinate services that are available to persons who are parties in proceedings before the family court, or who may become parties in proceedings before the family court.

(b) Assist human services agencies in efforts made by those agencies to collaborate with the family court.

(c) Assist circuit court judges in viewing litigation involving families with a focus on the family instead of viewing the parties as individual litigants.

(d) Intervene with at-risk families who do not receive governmental assistance.

(e) Research, identify and advocate new programs that will improve the use of family courts.

(4) Family court advocate programs shall be established in Jackson County, Deschutes County and such other counties as may be designated by the Chief Justice of the Supreme Court. [1997 c.801 §85; 1999 c.1081 §4]

**3.432 Judicial education program on establishment and management of family court departments.** The State Court Administrator shall implement an education program for state judges that emphasizes issues and problems encountered in the establishment and management of family court departments. The program shall provide education on the manner in which family court departments may be established, and shall identify means of removing obstacles to the establishment of family court departments. The program shall provide recommendations for improving the quality of service provided by family court departments. The program may provide specific instruction in issues arising under the different proceedings conducted in family court departments. [1997 c.593 §2]

**(Coordination of Services to Families in Family Law Cases)**

**3.434 Adoption of coordination plan for services; local family law advisory committees; plan contents.** (1) No later than January 1, 1999, the presiding judge of each judicial district shall adopt a plan to coordinate the provision of services to families involved in domestic relations or other family court proceedings.

(2) The presiding judge of the judicial district shall establish a local family law advisory committee for the judicial district. The committee will prepare the plan required by subsection (1) of this section. The membership of the local advisory committee must reflect the diversity of the judicial district and must include, in addition to the presiding judge or a judge designated by the presiding judge, the trial court administrator and business, social service, community and government representatives who must be knowledgeable in family and family law issues. In judicial districts composed of more than one county, the presiding judge may establish a local advisory committee in each county or establish one or more committees to serve multiple counties.

(3)(a) At a minimum, the local family law advisory committee shall address the following in the plan:

(A) Mandates for mediation of child custody or parenting time disputes, requiring each party to attend either a group or private mediation orientation session;

(B) Methods of coordinating cases when the same child or family is involved in multiple cases; and

(C) The need for, and provision of, conciliation services, mediation services, child custody evaluations, parent education and visitation services.

(b) The local advisory committee may include other elements in the plan, including but not limited to:

(A) The need for, and provision of, services relating to prevention and early intervention; and

(B) The use of settlement options such as mediation, conciliation, arbitration and settlement conferences.

(c) The local advisory committee shall include in the plan a list of mediators qualified to provide mediation in cases involving spousal support and division of property issues. Once the list is developed, the judicial district shall maintain the list.

(4) The local family law advisory committee shall present the plan to the county governing body of each county within the

judicial district and to the presiding judge of the judicial district for their approval. The local advisory committee shall send copies of the plan to the Chief Justice of the Supreme Court and those members of the Oregon House of Representatives and the Oregon Senate who represent the areas within the judicial district.

(5) The local family law advisory committee may assist in implementing, monitoring and revising the plan. The local advisory committee, working in conjunction with legal service providers, may coordinate access to family law resources, including family law facilitation and other services. [1997 c.801 §135; 1999 c.1081 §8; 2007 c.71 §3]

**3.436 Appointment of statewide family law advisory committee.** (1) The Chief Justice of the Supreme Court may appoint a statewide family law advisory committee to assist the State Court Administrator in carrying out the administrator's responsibilities under ORS 3.438 (2) and (4)(a) and in identifying family law issues that need to be addressed in the future. The Chief Justice shall consider the diversity of this state in appointing the members of the statewide advisory committee.

(2) The Chief Justice shall determine the terms and organization of the statewide advisory committee.

(3) Members of the statewide advisory committee are not entitled to compensation, but may be reimbursed from funds available to the State Court Administrator from the Family Law Account for actual and necessary travel expenses incurred by them in the performance of their official duties. [1997 c.801 §136; 2001 c.779 §18]

**3.438 Duties of State Court Administrator.** To the extent that adequate funds are available from the Family Law Account established under ORS 3.440, the State Court Administrator:

(1) Shall hire a director of family court services and sufficient staff, whose compensation must come solely from the Family Law Account, and may delegate to the director of family court services any of the duties listed in subsections (2) to (6) of this section.

(2) Shall administer the Family Law Account demonstration grant program for funding implementation of new, innovative family court services within this state. The State Court Administrator may not fund services under the demonstration grant program for a period exceeding 24 months. The statewide family law advisory committee shall review all applicant programs and shall recommend programs for approval to the Chief Justice of the Supreme Court.

(3) Shall compensate the per diem expenses of the members of the statewide family law advisory committee from the Family Law Account.

(4)(a) Shall plan and implement an annual statewide conference to:

(A) Review legislation relating to family law issues;

(B) Provide family law training;

(C) Review elements of successful family law programs; and

(D) Foster the development of enhanced services to families involved in proceedings before the court.

(b) May pay the expenses of program development and production for program sessions and materials for the statewide conference from the Family Law Account. The State Court Administrator shall credit any receipts from registration or materials fees charged to the Family Law Account.

(5) Shall pay the expenses of the Family Law Legal Services Commission.

(6) Shall carry out other activities in support of the statewide and local family law advisory committees determined by the State Court Administrator to be necessary to achieve the purposes of ORS 3.434 to 3.440. [1997 c.801 §137]

**3.440 Family Law Account.** The Family Law Account is established as an account in the General Fund. All moneys in the account are appropriated and constitute a continuous appropriation out of the General Fund to the State Court Administrator for the purposes of ORS 3.436 and 3.438. The State Court Administrator may accept and deposit into the account contributions of funds and assistance from the United States or its agencies or from any other source, public or private, and agree to conditions thereon not inconsistent with the purposes of ORS 3.438. [1997 c.801 §138]

## DRUG COURT PROGRAMS

**3.450 Drug court programs; fees; records.** (1) As used in this section:

(a) “Drug court program” means a program in which:

(A) Individuals who are before the court obtain treatment for substance abuse issues and report regularly to the court on the progress of their treatment; and

(B) A local drug court team, consisting of the court, agency personnel and treatment and service providers, monitors the individuals’ participation in treatment.

(b) “Individual-provider relationship” includes a relationship between an individual

and a physician, a physician assistant or nurse practitioner.

(2)(a) The governing body of a county or a treatment provider may establish fees that individuals participating in a drug court program may be required to pay for treatment and other services provided as part of the drug court program.

(b) A court may order an individual participating in a drug court program to pay fees to participate in the program. Fees imposed under this subsection may not be paid to the court.

(3) Records that are maintained by the circuit court specifically for the purpose of a drug court program must be maintained separately from other court records. Records maintained by a circuit court specifically for the purpose of a drug court program are confidential and may not be disclosed except in accordance with regulations adopted under 42 U.S.C. 290dd-2, including under the circumstances described in subsections (4) to (7) of this section.

(4) If the individual who is the subject of the record gives written consent, a record described in subsection (3) of this section may be disclosed to members of the local drug court team in order to develop treatment plans, monitor progress in treatment and determine outcomes of participation in the drug court program.

(5) A record described in subsection (3) of this section may not be introduced into evidence in any legal proceeding other than the drug court program unless:

(a) The individual who is the subject of the record gives written consent for introduction of the record; or

(b) The court finds good cause for introduction. In determining whether good cause exists for purposes of this paragraph, the court shall weigh the public interest and the need for disclosure against the potential injury caused by the disclosure to:

(A) The individual who is the subject of the record;

(B) The individual-provider relationship; and

(C) The treatment services being provided to the individual who is the subject of the record.

(6) A court, the State Court Administrator, the Alcohol and Drug Policy Commission or the Oregon Criminal Justice Commission:

(a) May use records described in subsection (3) of this section and other drug court program information to track and develop statistics about the effectiveness, costs and other areas of public interest concerning drug court programs.

(b) May release statistics developed under paragraph (a) of this subsection and analyses based on the statistics to the public.

(7) Statistics and analyses released under subsection (6) of this section may not contain any information that identifies an individual participant in a drug court program. [2003 c.385 §1; 2005 c.706 §25; 2011 c.673 §3; 2014 c.45 §1]

### COURTCARE PILOT PROGRAMS

**Note:** Sections 1 to 4, chapter 672, Oregon Laws 2017, provide:

**Sec. 1. Legislative findings.** The Legislative Assembly finds that:

(1) Many individuals and families experience life circumstances that necessitate court involvement and visits to local governmental offices, including but not limited to juvenile dependency and delinquency proceedings, domestic relations cases, protective proceedings related to domestic abuse or violence, child protection proceedings, meetings with probation officers and visits to local governmental offices to transact governmental business.

(2) Often individuals and families in such matters are responsible for the care of young children and obtaining child care can distract from, if not present obstacles or barriers to, effective and complete participation in court proceedings or dealing with important governmental matters.

(3) Individuals and families in court-related matters also need and would benefit from the availability of a clearinghouse for information and resource referrals relating to family support services within the local community.

(4) The availability of programs to provide quality child care and serve as a clearinghouse for information and resource referrals in facilities located in or near courthouses and governmental offices would benefit individuals and families with court-related matters and governmental business to transact and would ensure that individuals and families with children are able to participate fully in court and governmental processes in this state. [2017 c.672 §1]

**Sec. 2. Pilot programs to provide child care for families involved in court proceedings or governmental business.** (1) As used in this section:

(a) "Child care" means care and supervision provided to a child between six weeks and 10 years of age on behalf of a person with responsibility for the child.

(b) "CourtCare program" means a program that provides child care and serves as a clearinghouse for information and resource referrals for individuals and families with court-related matters or governmental business in or near a county courthouse or courthouse complex.

(2) Marion and Polk Counties may establish one or more CourtCare programs as pilot programs to provide quality child care to individuals and families who are:

(a) Participating in or serving as jurors in court proceedings at the local courthouse; or

(b) Transacting business at a local governmental office in or near a county courthouse or courthouse complex.

(3) A CourtCare program established under subsection (2) of this section must also serve as a clearinghouse for information and resource referrals relating to family support services that are available to individuals and families in the local community, including but not limited to housing, emergency services, early learning

programs, parent education, public health, relief nurseries, health insurance, behavioral health services, legal assistance, screening and referral services for developmental health and referrals to community organization as appropriate.

(4) A CourtCare program established under subsection (2) of this section must ensure that:

(a) Children receive quality child care and are in a safe and nurturing environment while their caretakers are participating in court proceedings or transacting local governmental business;

(b) Staff at the CourtCare program site are able to provide information and make referrals to appropriate local area resources; and

(c) Court and local governmental business continues without interruption or distraction from children cared for in the CourtCare program.

(5) If Marion or Polk County establishes a CourtCare program under this section, the county shall ensure that:

(a) Volunteers, employees and staff at the CourtCare program are enrolled in the Central Background Registry under ORS 329A.030; and

(b) The CourtCare program is either certified under ORS 329A.280 or registered under ORS 329A.330 by the Office of Child Care or is exempt from the requirements for certification or registration under ORS 329A.250.

(6) If Marion or Polk County establishes a CourtCare program under this section, the county shall enter into an agreement with a nonprofit or nongovernmental entity to implement and administer the CourtCare program. At a minimum, the contract must require that the nonprofit or nongovernmental entity report to the county on an annual basis regarding outcomes and objectives that include, but are not limited to:

(a) The number of individuals and families utilizing the CourtCare program;

(b) The type of services provided to individuals and families that utilized the CourtCare program;

(c) Unmet needs and barriers to the provision of services in the CourtCare program;

(d) The effect of the CourtCare program on courtroom, judicial and local government efficiency; and

(e) The types of information and resource referrals provided by the CourtCare program. [2017 c.672 §2]

**Sec. 3. Report on pilot programs.** The governing bodies of Marion and Polk Counties shall report on the progress of CourtCare pilot programs implemented under section 2 of this 2017 Act, in the manner provided in ORS 192.245, to the interim committees of the Legislative Assembly related to child welfare no later than September 15, 2019. [2017 c.672 §3]

**Sec. 4. Repeal of pilot programs.** Sections 1 to 3 of this 2017 Act are repealed on January 2, 2021. [2017 c.672 §4]

**3.510** [1959 c.549 §1; 1961 c.465 §1; repealed by 1975 c.706 §10]

**3.520** [1959 c.549 §2; repealed by 1975 c.706 §10]

**3.530** [1959 c.549 §3; repealed by 1975 c.706 §10]

**3.540** [1959 c.549 §4; repealed by 1975 c.706 §10]

**3.550** [1959 c.549 §5; repealed by 1975 c.706 §10]

**3.560** [1959 c.549 §6; 1961 c.465 §2; 1965 c.521 §1; 1969 c.198 §33; 1969 c.269 §1; 1971 c.213 §1; repealed by 1975 c.706 §10]

**3.570** [Formerly 3.110 and then 3.102; 1965 c.521 §2; 1969 c.269 §2; 1971 c.213 §2; repealed by 1975 c.706 §10]