

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE 5<sup>TH</sup> JUDICIAL DISTRICT, CLACKAMAS COUNTY

In the Matter of Custody and Parenting )  
Time During COVID-19 Pandemic )  
 )  
 ) PRESIDING JUDGE ORDER NO. 2020-12  
 ) ORDER RE: CUSTODY AND PARENTING  
 ) TIME

Whereas, the landscape created by the COVID-19 pandemic is changing, the Court has prepared the following guidelines based on the Oregon State Family Law Advisory Committee's recommended Guidelines for Parents During the COVID-10 pandemic, Chief Justice Order 20-006 (Amended), and Clackamas County Presiding Judge Order 2020-07.

The purpose of these guidelines is to encourage the parties to follow their parenting plan as closely as possible, as doing so will ensure a level of consistency and stability that is in the children's best interests. These guidelines recognize Oregon's policy of: assuring minor children frequent and continuing contact with parents who have shown the ability to act in the children's best interests; encouraging those parents to share in the rights and responsibilities of raising their children; encouraging parents to develop their own parenting plan and grant them discretion in developing such a plan; and considering the best interests of the children and safety of the parties in developing a parenting plan.

Unless the parties agree otherwise:

1. Definition of Spring Break, Summer Break/Vacation or Holidays: While the schools are closed, parenting time shall continue as if the children are still attending school in accordance with the school calendar of the relevant district. 'Spring break,' 'summer break/vacation' or other designated holidays, means the regularly calendared breaks/vacations or holidays in the school district where the children are attending school (or would attend school if they were school aged). The closure of the school for public health purposes will not be considered an extension of any break/vacation/holiday period or weekend.
2. Denial of Parenting Time: COVID-19 is not a reason to deny parenting time. Unless otherwise ordered by the court, parents are considered fit to care for their children and make decisions regarding the day-to-day aspects of parenting while the children are in their care. This day-to-day care includes following the Oregon Health Authority and your County Public Health

directives regarding social distancing and sanitation-related measures (such as frequent handwashing).

3. Parenting Time in Public Places: Governor Brown has forbidden all nonessential gatherings, regardless of size. If the parenting plan states that parenting time will occur in a public place, parenting time should continue at locations that are permitted under the health and safety guidelines for the state, such as a large park or nature hike. Public places where people routinely touch common contact surfaces (such as parks and play equipment) should be avoided. However, activities where parents and children can maintain social distancing and avoid such surfaces are encouraged. If that is not possible, then the parenting time should be conducted virtually via videoconferencing or by telephone.

4. Supervised Parenting Time: If parenting time is ordered to be supervised, and the supervisor is unavailable due to COVID-19-related issues or government orders, the parties should work collaboratively to ensure parenting time continues to occur in a manner that promotes their children's safety and wellbeing, such as finding an alternative supervisor. If that is not possible, then the parenting time should be conducted virtually via videoconferencing or by telephone.

5. High Risk Child: When a parenting plan involves a child determined by a medical personnel to be in a high risk category of serious consequences from COVID-19 exposure, both parents shall take every reasonable measure possible to minimize the child's risk of exposure.

6. Governor's Executive Orders regarding Travel: The Governor has issued executive orders that restrict travel except for essential activities, which generally include caring for minors, dependents and/or family members. Therefore, unless otherwise directed by the Governor or other executive order, the parties should continue to follow the parenting plan as written while such orders are in effect.

7. Exchanges: During the exchange of the children, all parties should follow the CDC guidelines for limiting the spread of the virus, which may mean choosing an alternate location for the exchanges that has less people congregating and less touching of public items (changing from the restaurant to the grocery store parking lot for example).

8. Safety-Related Issues: Our first responders must remain available for true emergencies and for support related to the COVID-19 outbreak. Please do not call them for parenting-related disputes but rather only in the circumstances of real, immediate, and significant safety-related reasons.

9. Transparency: Unless the parties are restrained from communicating, parents are encouraged to communicate about precautions they are taking to slow the spread of COVID-19. A parent is not permitted to deny parenting time based upon the other parent's unwillingness

to discuss their precautionary measures taken, or belief that the other parent's precautions are insufficient.

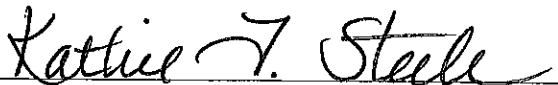
10. Makeup Parenting Time: If parenting time is missed due to COVID-19-related issues or government orders, parents are encouraged to work collaboratively to schedule makeup parenting time that promotes their children's safety and wellbeing. Local courts are strongly encouraged to order makeup parenting time, when appropriate.

11. Court Procedures: The following hearings will still occur, generally remotely or electronically:

- a. Protective Order **applications** (Family Abuse Prevention Act, Elderly Persons and Persons with Disabilities Abuse Prevention Act, Sex Abuse Protective Orders, Emergency Risk Protection Orders) must be filed **in person** between 8am and 10:30 am Monday through Friday daily with an **in person** court appearance at 1pm the same day. Stalking applications must be filed **in person** during public service hours (10am to 4pm) and with an **in person** appearance court scheduled the next judicial day.
- b. Subsequent restraining order hearings, (including objections, motions to modify, renewals and exceptional circumstances); parties will be sent notice with the date, time, location and method of remote appearance.
- c. Ex-parte motions (temporary emergency custody on immediate danger, pre-judgment status quo, and custody enforcement); parties must appear **in person** at 1:00 pm in the courtroom scheduled on the docket to hear Ex-parte.
- d. Objections to temporary emergency custody on immediate danger orders and pre-judgment status quo orders; parties will be notified and sent notice with the date, time, location and method of the remote appearance of the hearing, if requested.
- e. Expedited parenting time enforcement motions and post-judgment status quo; a hearing will be set upon filing Motion, Declaration and Order to Show Cause.

12. This order takes effect immediately.

Dated this 9 day of April 2020.

  
Kathie F. Steele, Presiding Judge  
Clackamas County Circuit Court