

**SUPPLEMENTAL NOTICE SEEKING PUBLIC COMMENT:
OUT-OF-CYCLE AND PROPOSED UTCR CHANGES FOR 2004**

I. INTRODUCTION

This notice supplements the Notice Seeking Public Comment on Proposed UTCR Changes for 2004 posted on the Oregon Judicial Department website on December 5, 2003, and published in Oregon Appellate Courts Advance Sheet Number 1 on January 1, 2004.

The Uniform Trial Court Rules (UTCR) Committee is authorized to make recommendations to the Chief Justice of the Oregon Supreme Court on proposed changes to the UTCR. At its fall meeting on October 17, 2003, the committee made preliminary recommendations on proposed changes to the UTCR. Since that meeting, the rules listed in Sections III.A. and IV.A. below have been adopted out-of-cycle to comply with laws passed by the 72nd Legislative Assembly during the 2003 session. Other proposals relating to laws passed by the 72nd Legislative Assembly during the 2003 session are listed in Sections III.B. and IV.B. below.

The committee will make final recommendations to the Chief Justice following the committee's next meeting on April 9, 2004. The purpose of this notice is to solicit public comment on the rules and proposals discussed below. **PLEASE SUBMIT YOUR WRITTEN COMMENTS TO:**

UTCR Reporter
Supreme Court Building
1163 State Street
Salem, Oregon 97301-2563
utcr@ojd.state.or.us

In order to be considered by the committee, public comment must be received by the UTCR Reporter before the start of the committee's spring meeting scheduled for April 9, 2004, 9:00 a.m. You may also deliver your comments in person and offer testimony at the committee's next meeting on April 9, 2004. Additional information on this committee and the UTCR process may be found at: <http://www.ojd.state.or.us/programs/utcr/index.htm>.

Any of the committee's final recommendations that are adopted by the Chief Justice will take effect August 1, 2004, and will be published in the Oregon Appellate Courts Advance Sheets in May or June of 2004 (No. 11 or 12).

II. FUTURE UTCR COMMITTEE MEETINGS

The committee has two meetings scheduled:

SPRING MEETING: April 9, 2004, 9:00 a.m., at the Office of the Oregon State Court Administrator, Salem. The committee will review public comment and make final recommendations to the Chief Justice on changes to the UTCR to take effect August 1, 2004.

FALL MEETING: October 8 and 9, 2004, 9:00 a.m., at the Office of the Oregon State Court Administrator, Salem. The committee will review existing and proposed Supplementary Local Rules (SLR) and make recommendations to the Chief Justice on disapproval of SLR pursuant to UTCR 1.050. This meeting is the only one in the 2004-2005 cycle at which the committee

intends to accept proposals for changes to the UTCR to take effect August 1, 2005. Committee meeting dates for the following year will be scheduled at this meeting.

III. SYNOPSIS

	<u>Page</u>
A. Rules Adopted and Amended Out-of-Cycle	
1. 2.100 - New rule and forms pertaining to protected personal information	2
2. 2.080 - Amended to reflect new UTCR 2.100	14
3. 8.010 - Amended to reflect new UTCR 2.100	14
4. Form 8.010.5 - Amended to reflect new UTCR 2.100	14
5. 8.100 - New rule and form pertaining to waiver of marriage fee	17
B. Proposals For Additional Out-of-Cycle Changes	
1. 2.110 - Proposed new rule and form pertaining to protected personal information	20
2. 2.080 - Proposed amendment to reflect proposed UTCR 2.110	26
3. Form 8.010.5 - Proposed amendment at the request of the Family Law Advisory Committee	26

IV. DESCRIPTION

FORMAT OF CHANGES: Wording proposed to be taken out of existing UTCR sections is in [*brackets and italics*]. Proposed new wording is **underlined and in bold**.

A. Rules Adopted and Amended Out-of-Cycle

1. 2.100 - New rule and forms pertaining to protected personal information.

ACTION TAKEN

This rule, with accompanying forms, was adopted out-of-cycle on December 24, 2003, pursuant to Chief Justice Order No. 03-074. The effective date of the rule is January 1, 2004.

REASON

The rule and forms were adopted in response to chapter 380, Oregon Laws 2003 (2003 House Bill 3015). That legislation had an emergency clause and went into effect on June 16, 2003. Chapter 380 requires the State Court Administrator to establish procedures to protect the confidentiality of social security numbers submitted to the courts in dissolution and summary dissolution proceedings initiated on or after January 1, 2004. It also requires a person seeking this protection to present the information to the court on a separate paper attached to an affidavit. The rule and forms are intended to meet these

requirements and to provide protection for certain types of personal information submitted in all circuit court cases on or after January 1, 2004.

RULE AND FORMS

2.100 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING

(1) Purpose. This rule establishes:

- (a) Procedures for a person to identify and segregate protected personal information when submitting a document to a court in a case and to request the information be kept from inspection by the general public.**
- (b) A process for a court, when it grants a request under this rule, to protect the segregated, protected personal information from nonprotected information in a uniform way with an appropriate record.**

(2) Information covered. As used in this rule:

- (a) “Protected personal information” means specific individual facts that, unless segregated, would otherwise be in a submitted document to identify a person submitting the document or another person beyond that person’s name or to identify the financial activities of either and which the court is allowed or required by law to keep confidential.**
- (b) “Protected personal information” includes, but is not limited to:**
 - (i) Social security numbers, credit card numbers, bank or other financial account numbers, bank or other financial account locations, driver license numbers, financial account access numbers, or similar information that is used for financial transactions.**
 - (ii) Maiden names, birth dates, and place of birth.**
 - (iii) Facts about a person’s identity or the identity of the person’s financial activities that is other than contact information and that can be exempt from public inspection under the Oregon Public Records Law (OPRL, ORS 192.410 to 192.505).**
 - (iv) Facts other than contact information that can otherwise be protected under specific law, including, but not limited to, information protected by existing court orders.**

- (c) “Protected personal information” does not include entire documents, contact information, or, except as ordered by a court, information that is not both personal and related to a person’s identity beyond their name or their financial activities.
- (d) “Contact information” means: the name of a person submitting a document or of a person on whose behalf a document is being submitted; telephone numbers; personal or business addresses; e-mail addresses; employer identification and address; or similar facts that make it possible for another to contact a person who is named in a document.

(3) Relationship to other law. The following all apply to this rule:

- (a) Parties to proceedings under ORS 107.085 or 107.485 must segregate all social security numbers from all documents they submit related to the proceedings in the manner provided by this rule. These social security numbers are confidential in the custody of the court as section 1, chapter 380, Oregon Laws 2003 ('03 HB 3015) provides. Other than as this paragraph or an SLR 2.101 of a court provides, this rule is not the exclusive means for a court to protect personal information from public inspection.
- (b) All judicial districts must allow requests to segregate protected personal information under this rule as a way to keep it separate from information subject to public inspection. However, courts may use SLR to establish other procedures related to identifying and protecting information courts are allowed or required to keep confidential. But, SLR 2.101 is preserved for purposes of a court to:
 - (i) require use of forms or procedures under this rule as the exclusive way to identify specific protected personal information so a court can segregate the information and protect it from public inspection; and
 - (ii) establish requirements supplemental to this rule as necessary to help administer this rule.
- (c) Nothing in this rule precludes a court from protecting information by appropriate court order.
- (d) Nothing in this rule affects or applies to procedures for identifying and protecting contact information:
 - (i) Of crime victims that is submitted to courts for processing restitution payments when restitution is sought and the information about a crime victim is kept confidential under

section 6(2)(b), chapter 575, Oregon Laws 2003 ('03 HB 2646).

(ii) That can be made confidential under ORS 25.020(8)(d), 109.767(5), 110.375, or 192.445.

(4) Procedure to follow. A person may only request protected personal information be segregated and protected under this rule when submitting it to a court in a case. The procedures under this rule may be used to identify and separately present protected personal information from any submitted document or form that is used to give information to a court. To do so, a person must do all of the following:

(a) Place in the document from which the protected personal information is being segregated a written notation to the effect that the information is being separately submitted under UTCR 2.100.

(b) Complete an affidavit in substantially the form provided in UTCR Form 2.100.4a. The affidavit:

(i) Need not be notarized but must be signed by the requestor and contain language that the person knowingly gives the information under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if the person provides false information to the court.

(ii) Must describe generally the protected personal information and set out the legal authority for protecting the information.

(c) Complete an information sheet in substantially the form provided in UTCR Form 2.100.4b to duplicate the protected personal information sought to be segregated and attach the information sheet to the affidavit.

(d) File the completed forms and attachments with the court along with, but not attached to, the document from which the protected personal information is segregated.

(e) For purposes of UTCR 2.080, mail or deliver to parties a copy of the affidavit only, and not the information sheet or attachments to the information sheet.

(5) More than once in a case. If a court segregates specific protected personal information from a specific document under this rule:

- (a) The court is under no obligation to look for or segregate the same protected personal information from other documents in the file for that case or other cases that were not specifically addressed by a request under this rule or from any documents subsequently submitted to the court except when procedures under this rule to segregate from the specific document are again used.
 - (b) As long as the specific protected personal information remains current, a person need not submit an affidavit and information sheet under this rule each subsequent time the already segregated information would be submitted in that case. The person may simply add a written notation to any document subsequently submitted to the effect that the information has already been submitted in that case under UTCR 2.100.
- (6) Court response. When a completed request is filed under this rule and the court grants the request to segregate, the court will do the following:
- (a) Separate the UTCR Form 2.100.4b from the affidavit and maintain that form and any attachments to it as not subject to public inspection unless there is a question about the court's legal authority to keep the specific information from public inspection. The requestor need not obtain the signature of a judge. As official custodian of the case file under the OPRL, the trial court administrator will resolve any question about whether, or the extent to which, information maybe kept from disclosure under this rule unless statute or court order expressly provides otherwise. A request under this rule to keep information confidential, segregated, or exempt from public inspection is not subject to challenge and hearing except as specifically required by law.
 - (b) Keep the affidavit in the case file.
 - (c) Send notice confirming that a request is granted or denied only if the person includes a self-addressed, postage prepaid postcard that the court can use for that task. The postcard must also include the following text, to be filled in as indicated for the court to mail:

"Dear _____ (person requesting print your name here),
 Your request of _____ (insert date of request) to segregate
 specific protected personal information from information the
 general public can inspect in the case file for case number
 _____ (insert case number) in the Circuit Court for _____"

seeks to inspect or copy information segregated and kept from public inspection under this rule must make the request by using a form substantially like UTCR Form 2.100.8 and copy the requestor shown on the affidavit and parties to the case as required by UTCR 2.080. A court will only grant a request if the person requesting has a right by law, including this rule, to see the information. The court will indicate on the form its response to the request and maintain a copy of all the request forms, with its response, in the case file as a public record.

(9) Denied requests. If a court denies a request under this rule:

(a) For every piece of personal information on a UTCR Form 2.100.4b, the court will attach the affidavit and form to the document from which the information was segregated and place all in the case file.

(b) For only some of the personal information on a UTCR Form 2.100.4b, the court will:

(i) created a copy of the form where the information to be protected is redacted,

(ii) protect the original form as otherwise provided in this rule, and

(iii) attach the affidavit and the redacted copy of the form to the document from which the information was segregated and place the affidavit and redacted copy of the form in the case file.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

Division - _____
(court's address and phone number)

Case name: _____ _____ Plaintiff Name <p style="text-align: center;">v.</p> _____ 1 ST Defendant Name))))))	CASE No. _____ UTCR 2.100 AFFIDAVIT, REQUEST TO SEGREGATE PROTECTED PERSONAL INFORMATION FROM CONCURRENTLY FILED DOCUMENT
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IMPORTANT NOTE TO PERSON COMPLETING THIS AFFIDAVIT: Except as specifically ordered by a court, this affidavit and UTCR form 2.100.4b **cannot be used for contact information** (addresses, telephone numbers, employer identification, and similar information that can be used to contact someone, see *UTCRC 2.100*). The type of information that can be protected by this form is limited to what is listed in UTCR 2.100.

To the court: By this affidavit under UTCR 2.100, I request that the protected personal information in the form attached to this affidavit be segregated from information that the general public can see in the case noted above.

The protected personal information I request to be segregated is as follows:

A. The following is a general description of the protected personal information (<i>example description "my social security number" or "parent's bank account number". Do not include specific protected personal information here.</i>)	B. The following is the legal authority by which I believe this information may be exempt from public inspection (<i>cite to statute, rule, case, etc.</i>). Row numbers correspond to those in column A. Add rows in both columns as necessary.
1.	1.
2.	2.
3.	3.
4.	4.

PERSON MAKING REQUEST MUST COMPLETE ALL THE FOLLOWING AS INDICATED:

1. *(Initial to confirm)* _____. The specific protected personal information described above is provided on the attached UTCR 2.100 segregated information sheet.
2. *(Initial to confirm)* _____. I have segregated the information described above from another document or form that I am submitting at the same time, *(describe document or form)* _____, to keep the protected information from being available to the general public. I appropriately noted in that other document the places where information has been provided in the attached information sheet rather than in that document. *(No fee is charged when information is segregated at time of submission.)*
3. I *(initial one)* _____ have OR _____ have not attached a self-addressed, stamped postcard with language required by UTCR 2.100 so that the court can inform me of its response to this request.
4. *(Initial to confirm)* _____ I understand that while the protected personal information may be withheld from the general public if this request is granted, it may still be available to some persons and government agencies as described in UTCR 2.100.
5. *(Initial to confirm, "na" if not applicable)* _____ If this document was prepared by someone who is not an attorney, I have attached a completed document preparation certification that applies to both this affidavit and the attached form as required by UTCR 2.010(7).
6. *(Initial to confirm)* _____ I have mailed or delivered copies of this request *(not including the attached UTCR Form 2.100.4b and its attachments)* to people required by UTCR 2.080.

I knowingly give the information in this affidavit, the attached information sheet, and any attachments to the information sheet under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if I knowingly provide false information to the court.

Date _____
OSB# *(if applicable)* _____

Signature _____
Type or print name _____

For office use:

Request _____ granted OR _____ denied (state reason) _____

Date: _____

TRIAL COURT ADMINISTRATOR
By _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

Division - _____
(court's address and phone number)

Case name: _____)

CASE No. _____)

Plaintiff Name _____)

**UTCR 2.100 SEGREGATED
INFORMATION SHEET**

v. _____)

1st Defendant Name _____)

ATTENTION COURT STAFF: Except as your trial court administrator tells you otherwise, this sheet and its attachments are:

- **to be separated from the attached affidavit, and**
- **NOT to be placed in any court file where they can be seen by the public, and**
- **NOT to be provided to any member of the public to see or copy.**

PLEASE follow UTCR and Judicial Department instructions for protecting information on this form. Ask your trial court administrator if you have questions.

The requestor MUST complete all of the following information:

1. Requestor information:

Name:

Address:

Telephone number:

Other contact information:

Relationship to case:

2. Protected personal information that is segregated:

Row number used to identify on affidavit	General description of the protected personal information (<i>same as on affidavit</i>)	Relates to (<i>Person's name</i>)	The following is the specific Protected Personal Information to be segregated (<i>give the specific fact, i.e. social security number, etc., that is being protected</i>). This can be a reference to an attachment. Do not use for contact information (addresses, telephone numbers, employer identification, and similar information that can be used to contact someone) unless specifically ordered by a court. The type of information that can be protected by this form is limited to what is listed in UTCR 2.100. Add rows as necessary.

3. There are attachments to this information sheet: ___ Yes ___ No
If so, how many pages _____

For Office use:

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

_____ Division - _____
(court's address and phone number)

Case name: _____

Plaintiff Name

v.

_____ 1st Defendant Name

CASE No. _____

**REQUEST TO INSPECT UTCR 2.100
SEGREGATED INFORMATION SHEET**

By this form, I request to see or obtain a copy of part or all of a UTCR 2.100 Segregated Information Sheet (SIS) that is being withheld from the public. I have completed this form to provide the information the court requires of me to make this request. I understand the court will not automatically grant this request but will use applicable law to decide whether I have a right to see or copy the information I request. I understand this request will be a public record whether or not granted.

1. Information about me:

- a. My Name: _____
- b. My Address: _____
- c. My Telephone number: _____
- d. Other contact information for me: _____
- e. I believe I have a legal right to see the information because (*explain reasons*): _____

2. To identify the UTCR 2.100 Segregated Information Sheet (SIS) I am requesting:

- a. Name of person who submitted affidavit for SIS: _____
- b. Date affidavit submitted: _____
- c. Description of document from which information is segregated: _____
- d. General description(s) of protected personal information I am requesting to see (*use same general description as on affidavit in file*): _____
- e. Row number(s) of description of this information on affidavit: _____
- f. Name of person to whom information relates (*if known*): _____
- g. The affidavit for the SIS shows that the SIS includes other information I am not requesting to inspect or copy (*check one*) ____ Yes OR ____ No. (*If Yes, this other information will be redacted*)

3. Confirming additional requirements completed:

- a. *(Initial to confirm, "na" if not applicable)* ____ If this document was prepared by someone who is not an attorney, I have attached a completed document preparation certification that applies to both this affidavit and the attached form as required by UTCR 2.010(7).
- b. *(Initial to confirm)* ____ I have mailed or delivered copies of this request to the following people required by UTCR 2.080, *(List names)* _____ .
- c. *(Initial to confirm)* ____ I understand that I will be responsible for any costs resulting from the court responding to this request except those costs for which I have obtained a waiver, and will advance money to cover those costs if requested by the courts.

I knowingly give the information in this request under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if I knowingly provide false information to the court.

Date _____
OSB# *(if applicable)* _____

Signature _____
Type or print name _____

For Office use:

Request to inspect ____ granted OR ____ denied *(state reason)* _____
Related comments: _____

Date: _____

TRIAL COURT ADMINISTRATOR
By _____

2. 2.080 - Amended to reflect new UTCR 2.100.

ACTION TAKEN

This rule was amended out-of-cycle on December 24, 2003, pursuant to Chief Justice Order No. 03-074. The effective date of the amendment is January 1, 2004.

REASON

The rule was amended so it would be consistent with the changes in procedure implemented by UTCR 2.100.

RULE

2.080 COMMUNICATION WITH COURT

- (1) Except as exempted by statute **or UTCR 2.100**, when written communication is made to the court, copies must simultaneously be mailed or delivered to all other parties and indication made on the original of such mailing or delivery.
- (2) All written communication to the court shall refer to the title of the cause and the case number.

3. 8.010 - Amended to reflect new UTCR 2.100.

ACTION TAKEN

This rule was amended out-of-cycle on December 24, 2003, pursuant to Chief Justice Order No. 03-074. The effective date of the amendment is January 1, 2004.

REASON

The rule was amended so it would be consistent with the changes in procedure implemented by UTCR 2.100.

RULE

8.010 ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT

- (1) * * *

* * * * *

- (9) Parties to proceedings under ORS 107.085 or 107.485 must follow UTCR 2.100 to segregate all social security numbers from documents the parties submit in the proceedings so the numbers will be protected as required by section 1, chapter 380, Oregon Laws 2003 ('03 HB 3015).**

4. Form 8.010.5 - Amended to reflect new UTCR 2.100.

ACTION TAKEN

This form was amended out-of-cycle on December 24, 2003, pursuant to Chief Justice Order No. 03-074. The effective date of the amendment is January 1, 2004.

REASON

The form was amended so it would be consistent with the changes in procedure implemented by UTCR 2.100.

FORM

One change was made to this form so we are showing only the first page. The change is on the line numbered as "1." The blank for "Social Security No." has been filled with this wording: "File under UTCR 2.100".

5. 8.100 - New rule and form pertaining to waiver of marriage fee.

ACTION TAKEN

This rule, with accompanying form, was adopted out-of-cycle on December 30, 2003, pursuant to Chief Justice Order No. 03-076. The effective date of the rule is January 1, 2004.

REASON

The rule and form were adopted in response to chapter 565, Oregon Laws 2003 ('03 Senate Bill 391). Chapter 565 establishes a \$25 fee to be collected under certain circumstances when a marriage is solemnized by a state tax, appellate, or circuit court judge. Chapter 565 authorizes the Chief Justice of the Oregon Supreme Court to establish a procedure for waiver of the fee. This rule and form are intended to establish the procedure for such fee waivers.

RULE AND FORM

8.100 PROCEDURE FOR WAIVER OF \$25 MARRIAGE FEE UNDER ORS 106.120.

- (1) To obtain a waiver of the \$25 fee required to be paid under ORS 106.120 before a circuit, appellate, or tax court judge can perform weddings in certain circumstances, both persons wishing to be married must do all the following:**
- (a) Complete a UTCR Form 8.100.1a in the attached UTCR Appendix of Forms.**
 - (b) Submit the completed form to a circuit court judge serving the county where the wedding will be performed for review and appropriate action.**
 - (c) If the request is granted by the judge under (b) of this subsection, give the copy of the signed waiver to the judge who will solemnize the ceremony.**
- (2) If the request is denied by the judge, there is no waiver. Those persons who made application must either reapply under this rule or pay the fee. However, neither person may again make a request of any judge to waive the fee for 30 days from the date a judge signs an order denying a waiver under this rule.**
- (3) If a person is requested to pay the fee under ORS 106.120 while applying for a marriage license or by a court clerk, the person may show a valid waiver of fee granted to that person under this rule and will not have to pay the fee. A waiver granted under this rule is valid for only 30 days from the date the judge signs the order allowing the waiver and does not waive any other fees which may legally be charged related to the marriage or wedding.**

- (4) Upon receipt of a request for waiver under this rule, a judge will do all the following:**
- (a) Review the request to determine whether the judge can make a determination on the request. Only circuit court judges serving in the county where the wedding will be performed can grant a waiver under this rule. A judge will deny a request for a waiver under this rule if the request has been made to any other judge within 30 days.**
 - (b) Determine whether exigent circumstances exist allowing the judge to waive the fee. The determination of exigent circumstances is at the sole discretion of the judge, but can, by statute, specifically include indigency of the parties to the marriage.**
 - (c) Sign the waiver form indicating the judge's decision; give a copy of the completed, signed form to the parties to the impending marriage; and file a copy with the trial court administrator for that circuit court.**
- (5) When solemnizing a marriage a judge, under ORS 106.120(9), will accept a copy of a valid waiver granted under this rule in lieu of proof of payment of the fee required under ORS 106.120(9). The judge will maintain the copy of the waiver with other records of the marriage for as long as the judge is required to maintain the other records.**

UTCR 8.100 FORM TO REQUEST WAIVER OF \$25 FEE (ORS 106.120) WHEN MARRIAGE HANDLED BY A COURT

A. WHEN TO USE THIS FORM. There is an additional \$25 statutory fee for people who want to get married by a judge of a circuit court, an appeals court, or the tax court if the marriage:

- would take place during normal working hours, excluding holidays,
- would take place in a court facility or county clerk's office; or,
- would involve more than a minimal amount of court or clerk staff time or other resources.

If you want to get married but think you shouldn't pay the fee, this form is how you ask a circuit court judge to waive that fee. A judge can waive the fee if you ask and the judge believes there is good reason why you shouldn't have to pay the fee.

B. HOW TO USE THIS FORM: The following are the three (3) steps necessary to use this form:

1. **STEP 1.** You must fill in information asked for in part "C" of this form and read, fill in, and sign part "D" of this form as required.
2. **STEP 2.** You must take the completed form to an Oregon Circuit Court judge and ask the judge to approve your request. That judge you go to **MUST** be a judge of the circuit court serving the county where the wedding will be performed. You cannot ask more than one judge every 30 days.
3. **STEP 3.** **IF** the circuit judge grants your request to waive the fee, the judge will sign the form below and so indicate on the form. Then the judge will give you a copy of the form. Within 30 days after the judge has signed the form showing the judge granted your request, you can get married without paying the fee by giving the judge who marries you the copy of the form you were given by the judge who granted your request. If you are asked to pay the fee by a county clerk when you get a marriage license, you can show them a copy of the form and will not have to pay the \$25 fee.

C. INFORMATION TO COMPLETE (STEP 1):

<p>1. Information about 1st person wanting to marry (print or type): a. Name and Residence:</p> <p>First _____ Middle _____ Last _____ Street _____ City _____ State _____ Zip Code _____</p> <p>b. _____ Gender _____ Age _____ Birth Date: _____ Month _____ Day _____ Year _____</p>	<p>2. Information about 2nd person wanting to marry (print or type): a. Name and Residence:</p> <p>First _____ Middle _____ Last _____ Street _____ City _____ State _____ Zip Code _____</p> <p>b. _____ Gender _____ Age _____ Birth Date: _____ Month _____ Day _____ Year _____</p>	<p>3. Information about court where marriage will be/has been arranged:</p> <p>_____ Court Name</p> <p>_____ County where court is</p> <p>_____ City where court is</p> <p>_____ State, Zip Code for Court</p> <p>_____ Judge who will perform ceremony (if known)</p>
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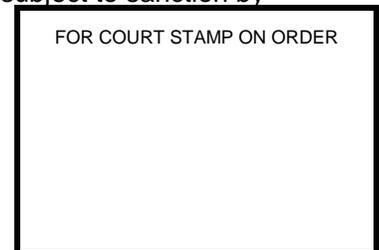
D. (STEP 2) We are the people shown in boxes C1 and C2 and say the following to the court:

1. We would like to get married, but believe that we should not have to pay the \$25 fee under ORS 106.120 for the following reason (state reason): _____

2. Within the past thirty (30) days, neither of us have requested another judge to waive this fee.
3. We, the undersigned, each knowingly give the information and make the representations in this form under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if we knowingly provide false information to the court.

Date _____ Signature (person in box 1 above) _____

~~Date _____ Signature (person in box 2 above) _____~~



COURT ORDER

As a Judge of the Circuit Court, _____ County, State of Oregon, I order that this request to waive the \$25 fee under ORS 106.120 be: granted **OR** denied.

Date: _____ Judge's Signature: _____

Print or type judge's name: _____

NOTE: This waiver is only valid for 30 days after the judge signs.

B. Proposals For Additional Out-of-Cycle Changes

1. 2.110 - Proposed new rule and form pertaining to protected personal information.

ACTION TAKEN

This proposal is published for public comment and will be on the agenda for the UTCR Committee meeting scheduled for April 9, 2004, pursuant to Chief Justice Order No. 03-074.

REASON

Proposed UTCR 2.110 expands the protection for certain personal information (established in UTCR 2.100, see IV.A.1. above) to that information contained in all circuit court case files, no matter the date of submission (whether before or after January 1, 2004).

RULE AND FORM

2.110 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A CASE FILE

(1) Purpose. This rule establishes:

- (a) Procedures for a person to identify and segregate protected personal information when that information already exists in a document in a court case file and to request the information be kept from inspection by the general public.**
- (b) A process for a court, when it grants a request under this rule, to segregated and protected personal information from nonprotected information in the case file in a uniform way with an appropriate record.**

(2) Information covered. This rule may be followed to segregate and protect the same information already existing in a case file that could be segregated and protected at the time of submission under UTCR 2.100. The definitions in UTCR 2.100 apply to this rule.

(3) Relationship to other law. The following all apply to this rule:

- (a) This rule is not the exclusive means for a court to protect personal information in case files from public inspection.**
- (b) Courts may use SLR to establish other procedures related to identifying and protecting information courts are allowed or required to keep confidential. But, SLR 2.111 is preserved for purposes of a court to:**
 - (i) require use of forms or procedures under this rule to identify specific protected personal information so that a court can segregate the information and protect it from public inspection; and**

(5) Court response. When a completed request is filed under this rule and granted by the court, the court will do the following:

- (a) Segregate and protect the specifically identified protected personal information from the specific location in the specific document that is the object of the request unless there is a question about the court's legal authority to keep the specific information from public inspection. The requestor need not obtain the signature of a judge. As official custodian of the case file under the OPRL, the trial court administrator will resolve any question about whether, or the extent to which, information maybe kept from disclosure under this rule unless statute or court order expressly provides otherwise. A request under this rule to keep information confidential, segregated, or exempt from public inspection is not subject to challenge and hearing except as specifically provided by law.**
- (b) Separate and maintain the information sheet and any attachments as not subject to public inspection. Once the information sheet is separated, place the affidavit in the case file.**
- (c) Replace any page from which the specific information is removed with a redacted copy of the page and keep the original, unmodified page with the information sheet and its attachments. Any substitute page from which the specific information is removed will include a notation of the date and responsible individual and that the redacting was done under this rule. Courts will separate information and redact documents under this rule according to the State Court Administrator's direction, or as otherwise specifically provided by law.**
- (d) Send a notice confirming completion of work, that work cannot be completed for some reason, or that a request is denied, only if the person includes a self-addressed, postage prepaid postcard that the court can use for that task. The postcard must also include the following text to be filled in as indicated for the court to mail:**

"Dear _____ (*person requesting print your name here*), Your request of _____ (*insert date of request*) to segregate specific personal information from information the general public can inspect in the case file for case number _____ (*insert case number*) in the Circuit Court for _____ (*insert county*) County (*court will check and complete the appropriate following response*):

**Was completed on _____ (*insert date*).
_____ (*initial of appropriate court employee*)**

Could not be completed because (*explain and provide contact information for further action*):

_____.

Was denied because (explain and provide contact information for further action):

”
.

- (6) Time limits, court authority to refuse request based on resources. This rule sets no time limit for courts to segregate information from existing court records when requested under this rule. Courts have a reasonable time given their ordinary workload and resources available. And, notwithstanding other parts of this rule, a court is not required to segregate information from existing court records based on a request under this rule if the workload created would adversely affect the resources available for a court to perform its ordinary duties.
- (7) Parts of UTCR 2.100 that apply to this rule. The following subsections of UTCR 2.100 are applicable to this rule: (2), (5), (7), (8) and (9).

PERSON MAKING REQUEST MUST COMPLETE ALL THE FOLLOWING AS INDICATED:

1. *(Initial to confirm)* ____ . The specific protected personal information described above is provided on the attached UTCR 2.100 segregated information sheet.
2. The specific protected personal information is in the document in the case file that the following Identifies:
 - a. Case file number where found _____.
 - b. Description of document containing the information: _____.
 - c. Page number (*identification*) of the page(s) containing the information: _____.
 - d. A copy of the object page(s) showing specifically the information to be redacted is attached (*required*):
 Yes No
3. I have attached the required fee of \$ ____ per page for all of the ____ (*number of pages*) pages I have requested be redacted for a total amount of \$ ____ (*total amount of check or money order attached*).
 Yes No
4. I (*initial one*) ____ have OR ____ have not attached a self-addressed, stamped postcard with language required by UTCR 2.110 so that the court can inform me of its response to this request.
5. *(Initial to confirm)* ____ I understand that while the protected personal information may be withheld from the general public if this request is granted, it may still be available to some persons and government agencies for purposes described in UTCR 2.100.
6. *(Initial to confirm, writ NA if not applicable)* ____ If this document was prepared by someone who is not an attorney, I have attached a completed document preparation certification that applies to both this affidavit and the attached form as required by UTCR 2.010(7).
7. *(Initial to confirm)* ____ I have mailed or delivered copies of this request (*not including the attached UTCR Form 2.100.4b and its attachments*) to people required by UTCR 2.080.

I knowingly give the information in this affidavit, the attached information sheet, and any attachments to the information sheet under an oath or affirmation attesting to the truth of what is stated and subject to sanction by law if I knowingly provide false information to the court.

Date _____
OSB# (*if applicable*) _____

Signature _____
Type or print name _____

For office use:

Segregation ____ granted OR ____ denied (state reason) _____

Date: _____

TRIAL COURT ADMINISTRATOR
By _____

2. 2.080 - Amended to reflect proposed UTCR 2.110.

ACTION TAKEN

This proposal is published for public comment and will be on the agenda for the UTCR Committee meeting scheduled for April 9, 2004, pursuant to Chief Justice Order No. 03-074.

REASON

This proposal to amend is intended to make the rule consistent with the changes in procedure suggested in proposed UTCR 2.110 (see IV.B.1. above).

2.080 COMMUNICATION WITH COURT

- (1) Except as exempted by statute [or] , UTCR 2.100 , **or UTCR 2.110**, when written communication is made to the court, copies must simultaneously be mailed or delivered to all other parties and indication made on the original of such mailing or delivery.
 - (2) All written communication to the court shall refer to the title of the cause and the case number.
3. Form 8.010.5 - Proposed amendment at the request of the Family Law Advisory Committee.

ACTION TAKEN

This proposal is published for public comment and will be on the agenda for the UTCR Committee meeting scheduled for April 9, 2004, pursuant to Chief Justice Order No. 03-074.

REASON

The changes to the form were requested by the Family Law Advisory Committee to make the form consistent with current law.

FORM

The proposed changes are limited to page one of the form so that is the only page we are showing here.

