

**TESTIMONY ON SENATE BILL 1576-4
BEFORE THE SENATE COMMITTEE ON JUDICIARY
FEBRUARY 12, 2024**

**PRESENTED BY: AJA HOLLAND, SENIOR ASSISTANT GENERAL COUNSEL
OREGON JUDICIAL DEPARTMENT**

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

My name is Aja Holland, Senior Assistant General Counsel at the Oregon Judicial Department (OJD). While OJD is neutral on SB 1576 and the -4 amendment, I submit this testimony to provide observations as to how the implementation of the -4 amendment may affect Oregon circuit courts and request an additional amendment to the -4 amendment to add a notice provision.

The -4 amendment would allow county courts in Gilliam, Grant, Harney, Malheur, Sherman, and Wheeler counties to transfer all probate court jurisdiction to the circuit courts, if and when they choose to do so. Current law contemplates a county court transferring *individual* probate cases to circuit court but does not have a provision to transfer *all* probate cases. The proposed mechanism parallels the current transfer provisions for juvenile delinquency cases.

However, the -4 amendment does not require any notice to circuit courts that the county court is transferring jurisdiction of those cases. OJD requests that the -4 amendment be modified so county courts give 90-days' notice to the presiding judge of the circuit court to which jurisdiction would be transferred. That will give the circuit court time to identify how many cases it would be receiving—both pending cases and those filed in the future—and to prepare to receive those cases by assessing staffing needs, training and/or hiring staff, and providing for docket time on judicial calendars.

Giving county courts the option to transfer jurisdiction is consistent with the aims of the OJD Justice Campaign, to provide court proceedings that are accessible to the public, and also with the Oregon Law Improvement Committee, which in 1969 proposed transferring probate jurisdiction from the county courts to the circuit courts in an effort to promote statewide uniformity. At that time, access to a circuit court was a barrier to the residents of the six named counties. Since 1969, circuit courts have been established in all counties and access has improved dramatically due to innovations like the statewide electronic case management system (Odyssey), electronic filing of case documents, and remote hearings.

Thank you for the opportunity to provide this testimony. If you have any questions, please contact Aja Holland, Senior Assistant General Counsel, OJD Office of General Counsel (OGC) at Aja.T.Holland@ojd.state.or.us or Kaiti Ferguson, Legislative Affairs Counsel, Office of the State Court Administrator (OSCA) at Kaiti.Ferguson@ojd.state.or.us.