



Judicial Notice Quick Reference Guide

- 1. If the juvenile court intends to judicially notice something on its own motion, then start with ORS 419A.253**
 - a. Authorizes the juvenile court to take judicial notice on its own motion;
 - b. Directs the court that it may take judicial notice in accordance with the provisions of the Oregon Evidence Code governing judicial notice, OEC ORS 40.060 to 40.085 and 40.090 (see Section 2 below);
 - c. Requires the court to
 - i. identify on the record the material or information on which it intends to rely and allow the parties an opportunity to object. See [Dept. of Human Services v. A.A., 276 Or App 223, 224 \(2016\)](#) (reversing permanency judgment where the juvenile court purported to judicially notice reports and attorneys' statements off the record after the permanency hearing).
 - ii. allow the parties an opportunity to object.
- 2. Judicial notice under the Oregon Evidence Code**
 - a. Judicially noticeable facts
 - i. ORS 40.065 (OEC 201(b)): a judicially noticeable fact is one that is not subject to reasonable dispute because it is either
 - Generally known within the territorial jurisdiction of the trial court, or
 - Capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be disputed
 - ii. ORS 40.075 (OEC 201(e)): parties are entitled to an opportunity to object to judicial notice.
 - b. Judicially noticeable law: ORS 40.090 (OEC 202)