



# Judicial Notice Quick Reference Guide

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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)