

Lane County Family Law Advisory Committee Year End Report 2015

Chair: Hon. Karrie McIntyre

Vice-Chair: Colleen Carter-Cox, Lane County Circuit Court Family Court Coordinator

MEMBERS

The Hon. Karsten Rasmussen Lane County Circuit Court	The Hon. Karrie McIntyre Lane County Circuit Court
Colleen Carter-Cox Lane County Circuit Court Family Court Coordinator	Morgan Diment Attorney
Nathaline Frener Lane County Family Mediation	Matthew Longtin Attorney
Loralee McKee, Attorney Lane County District Attorney Office Family Law Division	Kimberly Purdy, Attorney Lane County Legal Aid and Advocacy Center
Liz Rambo Lane County Circuit Court Trial Court Administrator	Charles Spinner Attorney
Erin Fennerty Attorney	

Summary:

The current LCFLAC was reconstituted in November 2012 under direction of the presiding judge, The Hon. Karsten Rasmussen. The group meets quarterly to continue to identify family law issues and predictable future needs that exist within the community and the court system. This report summarizes the activities and progress of LCFLAC for the 2015 calendar year.

Issues Identified:

- 1) Ongoing need to address assistance for Self-Represented Litigants (SRLs) to navigate the judicial system more effectively and independently and maintaining focus on access to justice issues such as alternate language formats for the Roadmaps and accessing affordable legal representation for family law litigants
- 2) Lane County Family Mediation – Expanding services to address continued need for: 1) supervised parenting time, 2) mediation of minimal and basic financial issues related to custody and parenting time, 3) custody evaluations and establishing standards and protocols for such.

- 3) Striving for consistency on a statewide level for access to justice in domestic relations matters. Collaboration with State FLAC to maintain access to relevant information and resources available throughout the state.
- 4) Improve communication and information sharing between the community partners.
- 5) Education for family law practitioners. We discuss CLE presentations and ways to foster mentorship for less experienced family law lawyers.

Progress:

I. Assistance for Self-Represented Litigants.

The SRL subcommittee (Carter-Cox, Diment, Frener, McIntyre, and Purdy) continues to review the path that SRLs take in Lane County and make improvements in providing education, which increases SRLs independence navigating the court system. The group identified the need to make filing procedures and information more accessible and user-friendly and the Roadmaps product was published to community resources (such as Legal Aid, the District Attorney's Office, the Public Defender's Office, Lane County Family Mediation, etc.) in January 2015. This SRL subcommittee continues to meet to review the SRL experience and review basic information and materials to ensure that they are current, available in-person and on-line, so that SRLs receive effective tools to assist them with their suits.

The distribution of the Roadmap flowcharts are part of a larger project aimed at continuing to address the growing needs and increasing population of SRLs. The group is committed to addressing accessibility to the courts in a variety of ways such as providing alternate language formats for the Roadmaps, and accessing affordable legal representation for family law litigants by educating lawyers in the community and encouraging attorneys to provide unbundled services to litigants.

A future project includes exploring the development of an educational class for SRLs that addresses the basics of filing cases. The class has historically been provided by a volunteer (Kathy Rice) of Lane County Legal Aid twice monthly. Kathy Rice retired in 2015 and there is no assurance of an ongoing class. Newer Legal Aid Attorney Sara Mader has taken over teaching the class. There has been no lapse in the services provided to date. The hope is that with court involvement, such a class would be monitored for quality control through involvement with the Family Court Assistance Office. Currently, the class is voluntary and does not obviate the need for Family Court Assistance document review for SLRs before appearance in court. Ideally, a curriculum could be established and maintained through the court with the hope of reducing the amount of staff hours needed for individual review of cases and results in improved access and quality of court filings. This portion of the project was tabled for the bulk of 2015 to allow the Court and legal community to

adjust to the eCourt system. The Court continues to work on limited resources and the FCAO did not receive additional funding for staff support limiting the resources that may be available for this project.

II. Lane County Family Mediation– Expanding their services to address continued need for supervised parenting time, custody evaluations, and very limited financial issues.

Nathaline Frener, Director of Lane County Family Mediation, reports another year of doing more with less. Due to funding issues, LCFM had to terminate the position for a receptionist in 2015 and dedicated the funds to direct services.

LCFM continues to provide much needed access to the community for supervised parenting time. Lane County has limited resources for providing such services and LCFM developed a program to provide additional options for the Court. Ms. Frener reports that since her facility has offered this option and throughout 2015 LCFM has consistently served parents as a result of court ordered supervised parenting time. The sessions are \$50 (reduced fee if parent is receiving SNAP benefits) per one-hour session. Initially, LCFM had indicated that the supervisors would not be testifying in court regarding the supervised sessions, but after some discussions with the LCFLAC, LCFM will, if subpoenaed, offer evidence limited solely to procedural things related a case (dates of calls, dates of services and compliance at attendance) and observations of the sessions. Supervisors will not provide recommendations or evaluations. Ms. Frener reports continued contact with CAFA, another major service provider in the area, regarding resource and case load issues.

Ms. Frener had discussed with LCFLAC on separate occasions over the last couple of years whether or not it would be beneficial for LCFM to provide mediation for relatively simply financial matters in a pending domestic relations case with low-income parents. Many litigants are not able to afford expensive private mediators, and many of the LCFM clientele (many of whom are SRLs) have limited financial or support issues that may benefit from an opportunity to discuss these things in the framework of mediation instead of litigation.

Beginning in 2015 LCFM began offering limited scope court-connected custody evaluations. The parents must pay the evaluation fee of \$1500. Once initiated by the parties the custody evaluations generally take six weeks until). A report is generated and provided to the parties regarding recommendations for custody and parenting plans. LCFLAC developed a subcommittee (Frener, Longtin, Fennerty) to prepare a sample motion, affidavit, and order for court connected evaluations. Judge Rasmussen (in December 2014) established qualifications to include Section 2.2 of the Oregon Judicial Department Court-Connected Mediation Qualification Rules together with additional specialized training to include completing one Custody Evaluation Training conducted by the Association of Family and Conciliation Court an individual could be approved. LCFLAC suggested review of court-connected evaluator qualifications may be appropriate in the event that

additional or more specialized qualifications may benefit the litigants and the courts and a draft SLR was circulated for review and input. The work of this subcommittee is ongoing.

III. Need for consistency on a statewide level for access to justice in domestic relations matters. Collaboration with State FLAC to maintain access to relevant information and resources available throughout the state.

Vice – Chair Colleen Carter-Cox is a member, and remains active in the State FLAC, meeting with them quarterly and providing information to the LCFLAC regarding State FLAC concerns and projects. The State FLAC has instituted several subcommittees throughout the year which were active in drafting rule changes, handling surveys, reporting recommendations to legislators. Ms. Carter-Cox, through a special assignment in Salem, was active redesigning and implementing the statewide OJD Family Law website including updating forms and sharing the work that LCFLAC has done on the local level to assist the State with development of a user-friendly format for navigation both online and person for the SRL.

Ms. Frener co-chairs the SFLAC Mediation Subcommittee that has been charged with assessing the current and future needs of the mediation programs throughout the state and making recommendations to OJD to improve and maintain the programs statewide. Until recommendations and summary report is prepared for OJD this subcommittee has agreed to meet monthly. Judge McIntyre is also member of this ongoing subcommittee.

The SFLAC established a small and limited service work group to address needed revisions to the UTCR regarding unbundled services for litigants. Judge McIntyre shared input from discussions with LCFLAC on proposed rule changes with this subcommittee. The subcommittees proposed rule changes were sent to the UTCR statewide committee and rule changes are forthcoming. This work should result in more access to attorneys for litigants as attorneys would now have predictability on the scope of the representation and services provided. Ideally these rule changes should permit litigants to have representation when they need it most. And, the litigants may elect to avoid ongoing accrual of expensive attorney fees which, for many litigants, is cost prohibitive. A task for the local FLACs throughout the state will be educating practitioners on the disciplinary rules and upcoming new UTCRs so attorneys will feel more comfortable expanding their practices in this arena.

IV. Access to Justice issues.

Kimberly Purdy, Lane County Legal Aid, frequently shares with the group the ongoing need to find a way to provide access to the Court ordered parent education class for low (or no) income litigants. Currently, LCFM waives the cost of the class for parents who have had their court costs waived. Ms. Purdy pointed out that the court often defers fees instead of waiving them even in cases where it is very clear

the litigant will likely never be in a position to pay. This causes hardship to the litigant and can effectively be cost-prohibitive in moving forward with their matter. Ms. Purdy urges the judicial LCFLAC members to share with the bench the hardship that can be imposed on litigants when the court simply defers instead of waiving the fee. LCFM continues to explore options for a creative and suitable remedy for this.

V. Improve communication and information sharing between the community partners.

The members of the LCFLAC represent many of the groups in our community that are most broadly affected by family law issues. The members report at each meeting the changes in services, legal strategies or approaches, and issues facing them in conducting their daily business. If issues arise that need to be communicated on a broader level, the LCFLAC devises a plan for dissemination of information and/or collaborative problem solving within the group and for contacting our community partners.

VI. Education for attorneys

LCFLAC discussed the need for CLEs relating to the new eCourt and file and serve system and address the change of practice in our County. We also discussed ways of exploring mentorship for less experienced family law attorneys and will continued to dedicate time to these issues in the future.

Conclusion:

The group remains committed to the addressing the issues identified above and to work collaboratively within the domestic relations arena to continue to address the legal needs of the community, improving their access to the justice system while improving the efficiency of the Courts.