

**MINUTES  
STATE FAMILY LAW ADVISORY COMMITTEE  
(SFLAC)**

March 4, 2016  
12:30 pm – 4:30 pm

**Members Present:** Chair, Hon. Paula Brownhill; Vice-Chair, William J. Howe III; Stephen Adams; Amy Bonkosky; Colleen Carter-Cox; Dr. Adam Furchner; Linda Hukari; Lauren Mac Neill; Rebecca Orf; Hon. Keith Raines; Kate Richardson; Robin Selig

**Members Absent:** Hon. David Brewer, Ryan Carty, Nathaline Frenier, Laurie Hart, Hon. Maureen McKnight

**Guests:** Jeff Hall, Holly Rudolph, Karen Olson

**Staff:** Samantha Benton, Hope Hicks, Terry Svay

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Chair, Hon. Paula Brownhill called the meeting to order at 12:30 PM.

**WELCOME AND INTRODUCTIONS**

**CONSENT CALENDAR**

December 4, 2015 minutes were approved as written.

**SUBCOMMITTEE REPORTS**

**Domestic Violence – Robin Selig**

The subcommittee updated the protective order forms on the OJD website to reflect Senate Bill 525 changes (firearms laws). The subcommittee is now taking on a larger project by establishing a Firearms Workgroup. Rebecca Orf will chair the new workgroup. The main focus of the workgroup is to update materials on domestic violence and firearms in light of the new state laws. The Firearms Workgroup also plans on updating guides for judges, creating new bench cards, and reviewing model firearm surrender protocols.

**Court/Child Support Agency Coordination – Kate Richardson and Judge Keith Raines**

The Court/Child Support Agency Coordination Subcommittee last met on February 25, 2016.

Judge Raines noted that the sticker calendars are in very high demand. Parenting Time Opportunities for Children (PTOC) grant money remains and the subcommittee is in the process of deciding where to allocate the remaining funds.

Judge Raines gave a brief update on issues on transferring cases, contempt, UTCR 5.100 issues, when to prepare a certificate of readiness, and stipulated judgments. Kate addressed the regional minimum wage issue, and claim of risk issues related to the new minimum wage law, effective July 1, 2016. Kate is going through high level policy discussion and thinks there should be a single minimum wage for the purpose of child support calculations. The statute is constructed in a way that allows DCS to define the state minimum wage for child support calculations.

Kate discussed possibly using a portion of the PTOC grant for broad domestic violence training for Department of Justice staff and administrative law judges and work with Legal Aid. The child support system project is going well and is now in the design phase. The project will feature a change to terminology, using plain language when possible. For example, NCP – “non-custodial parent” will be used instead of obligor or obligee as well as using “parent who pays support” and “parent who receives support.” The Federal Child Support Enforcement Office already uses the term NPC. The changes in terminology are a stepping stone to making the new child support system project customer friendly.

#### **Mediation Services – Lauren Mac Neill**

The Mediation Services Subcommittee reviewed a statewide OJD survey focused on mediation orientation, parent education classes, and best practices in mediation services. . The mediation survey is currently awaiting the Chief and Kingsly’s approval. The subcommittee also is looking at funding for mediation programs. Amy Benedum, JFCPD Program Analyst, created a simple funding formula using the number of domestic relations filings and percentage of population under the age of 18 in each jurisdiction. The subcommittee is gathering information on best practices in mediation services, and they will report back in June. Nathaline Frener resigned as co-chair of the Subcommittee.

#### **Action:**

- Lauren and the subcommittee will find a co-chair by June.
- Samantha Benton or Amy Benedum (JFCPD Program Analyst) will send the mediation survey results to SFLAC members.

#### **Parental Involvement and Outreach – Lauren MacNeill and Dr. Adam Furchner**

The Parental Involvement and Outreach Subcommittee (PIOS) last met February 2, 2016. PIOS is currently scheduling presentations for the “Birth through Three Guide” tools and materials. PIOS has scheduled presentations in Yamhill County, Clatsop County, Union County, Deschutes County, and the AFCC Conference in June. PIOS is developing a webinar for the “Birth through Three Guide,” but they are still in the early stages of planning and development. PIOS’ main concern with this idea is condensing 3.5 hours’ worth of content into a 1 hour webinar. PIOS is collecting evaluations of the “Birth through Three Guide” and reviewing them to see what audiences find most useful. Lauren requested that LFLAC liaisons inform their LFLACs of the

free PIOS trainings. PIOS requests at least an hour minimum to present, but three hours is ideal. Bill suggests presenting a suite of webinars, one for each section of the “Birth through Three Guide.”

**Legislative** – Ryan Carty (No report since he was not present).

**Chapter 125 Subcommittee**– Judge Brownhill and Amy Bonkosky

The Chapter 125 Subcommittee met in January via conference call. They reviewed the Guardianship and Conservatorship Flow Chart, the National Guardianship Association Standards of Practice from the Center of Elders and the Courts for Adult Guardianship, reviewed Oregon Law Commission Probate Bill LC 61, and reviewed the Probate Commissioner Survey results. Stephen reminded the group that we are living longer than we did when the guardianship laws were first written, and the group is modernizing the thinking of how problems are approached. Stephen suggested using probate court as an opportunity to talk about arbitration clauses (as arbitration clauses are in many nursing home contracts). Senior Judge Rita Cobb asked Clatsop County to serve as a pilot program for developing processes and forms to be shared statewide. Linda Hukari suggested the committee consider how to provide lawyers for protected persons in contested cases.

**Action:** Samantha will send the probate survey results to SFLAC members.

**Family Law Conference** – Colleen Carter-Cox

The Family Law Conference Subcommittee meets the second Thursday of each month. The tentative date for the Family Law Conference is March 2-4, 2017, and corresponds with the quarterly SFLAC meeting. The SFLAC decided that the Salem area would be the best location due to the legislative session. The subcommittee decided on four conference themes:

1. “Change, Challenge Opportunity - Charting the Course for Family Law in Oregon,”
2. “Riding the Waves - Family Law in Oregon, Yesterday’s Vision, Today’s Reality, Tomorrow’s Opportunity,”
3. “The Future is Now - New Trends in Family Law,” and
4. “Waves of Change - Oceans of Opportunity in Oregon Family Law.”

SFLAC recommended “The Future is Now – New Trends in Family Law,” with the option for the Family Law Conference Committee to change/adjust as needed. Colleen reminded the SFLAC to contact her if any of the subcommittees would like to present at the Family Law Conference. The Domestic Violence Subcommittee is interested in planning a session for the Family Law Conference.

Colleen recapped the attendee breakdown from the last Family Law Conference. The SFLAC will have its quarterly meeting Saturday after the Family Law Conference. Bill Howe volunteered to help find an out-of-state speaker for the Family Law Conference and

recommended Marsha Kline-Pruett. Judge Brownhill reminded the group that the SFLAC presents an award at the Family Law Conference so be thinking about possible recipients.

### **Limited Scope/Unbundling Workgroup & IAALS Study – Bill Howe**

Natalie Knowlton is leaving IAALS in April and has made a tremendous contribution to the IAALS study. IAALS study interviews have officially closed in all four study jurisdictions. IAALS survey results: 54 surveys returned in Larimer County, Colorado; 37 surveys returned in Davidson County, Tennessee; 13 surveys returned in Franklin County, Massachusetts; and 30 surveys returned in Multnomah County, Oregon. Natalie will compile a final data analysis before she leaves IAALS. The data will be combined and reviewed overall and jurisdiction specific reports will be available to each county.

Bill reminded the group that the IAALS center in Denver is modeled after the Australian Family Relations Centers (FRC). Australians can visit their FRCs and receive low-cost or sliding scale cost of legal service, financial services, counseling, and mediation. IAALS is trying to franchise this model at no cost. Judge Brownhill asked if Oregon should replicate the model. Bill said yes. He will figure out where IAALS is in the process, talk to Judge McKnight, and put together a package. He added that all Futures Committee reports have recommended this type of center.

### **INFORMAL DOMESTIC RELATIONS TRIAL – Jeff Hall**

Jeff Hall, Trial Court Administrator of Deschutes County, reported on the Informal Domestic Relations Trial pilot program that started on June 1, 2013. The IDRT had a good evaluation design, but two of the three components failed. As a result, most of the data is anecdotal. Jeff reviewed the data with the SLFAC, and he intends to draft a formal report.

Jeff said IDRT trials are procedurally fair. Conflict levels are reduced. The IDRT is quicker to trial and causes less trauma to those involved. Parties are able to talk to the judge, which contributes to their sense of fairness. Because the judge directs the conversation, it is more child-focused. Jeff went over the benefits of the IDRT from a business model perspective and how it can benefit attorneys and the courts. Some thought the IDRT merely made official what judges already do in family law trials, but it fundamentally changes the process.

Jeff recommended the IDRT be adopted at a statewide level.

#### **Action:**

- Jeff Hall will send out a formal write-up of the Informal Domestic Relations Trial pilot program.

- Bill Howe will solicit feedback from SFLAC members by the end of March and draft a proposal for the Chief Justice and State Court Administrator. Colleen Carter-Cox volunteered to help with final edits.
- Add IDRT to the agenda for the June SFLAC meeting.
- Judge Raines will check arbitration numbers in Washington County and Robin Selig will check arbitration numbers in Multnomah County and send the findings to SFLAC.

**Motion:**

Stephen Adams moved that SFLAC recommend to the Chief Justice and State Court Administrator that we go statewide with the Informal Domestic Relation Trials program. Motion seconded and passed.

SFLAC members agreed there should be a statewide UTCR rather than 27 local rules. SFLAC will review final wording of the proposal before the June SFLAC meeting and will discuss further if necessary in June.

**ORS 60-MILE MOVE NOTICE – ORS 107.159 – Ryan Carty**

Judge Raines summarized the issue on behalf of Ryan. SFLAC will discuss further at the June meeting.

**DISSOLVING REGISTERED DOMESTIC PARTNERSHIPS – Colleen Carter-Cox**

Colleen Carter-Cox asked about dissolving a registered domestic partnership when there is also a marriage. Colleen wondered if this is an issue that other counties are having. The group discussed different ways to handle the issue. Judge Raines suggested joining claims of equity and law in the pleadings so that a marriage and an RDP can be dissolved at the same time.

**Action:**

- Judge Raines and Robin Selig will work on wording to dissolve an RDP after marriage.
- If a legislative fix is needed, SFLAC will talk to Ryan Carty about a bill that would dissolve a RDP when a couple marries, similar to California law

**Other Business**

**2016 OSB FAMILY LAW CONFERENCE**

SFLAC will ask for an hour at the 2016 OSB Family Law Conference in October to report on current issues.

**Action:** SFLAC will ask Ryan Carty to ask the OSB Family Law section for one hour to present at the 2016 OSB Family Law Conference in October.

## **MEMBERSHIP**

The latest member of the SFLAC, Nathaline Frenier has resigned. SLFAC decided not to recommend a replacement at this time.

**Action:** Samantha will submit a Chief Justice order to take off Nathaline as an SFLAC member.

## **FAMILY LAW FORMS ISSUES**

Judge Raines noted errors with some OJD forms. For example, Washington County Sheriff will not serve papers because the summons does not have a signature line. Holly Rudolph informed SLFAC that a fix is in the works. She said the forms revision process depends on the type of form being revised. Forms either go to Holly, Law and Policy workgroup, CREW, or another group. Holly suggested sending problem forms to her, and she will get them to the correct place.

## **FUTURES SUBCOMMITTEE**

Bill Howe confirmed membership of the SFLAC Futures Subcommittee.

## **ASSOCIATION OF FAMILY AND CONCILIATION COURTS (AFCC)**

The AFCC Annual Conference is June 1-4, 2016 in Seattle, Washington.

## **CIRCUIT COURT JUDGES ASSOCIATION MEETING**

Judge Raines informed SFLAC that the Circuit Court Judges Association is meeting in April. Judge Raines chairs the Oregon Judicial Conference Family Law Committee and asked SFLAC if there are topics they would like him to bring up at the meeting. Judge Brownhill asked for help with updates to the Family Law Bench Book. Robin Selig would like Judge Raines to remind judges to fill out firearms certificates at hearings.

Meeting adjourned at 3:09 PM.