

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

June 10, 2016  
12:30 pm – 4:30 pm

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

**Members Absent:** Hon. David Brewer, Nathaline Frenier, Laurie Hart, Amy Bonkosky;

**Guests:** Jeff Hall, Holly Rudolph, Debra Dority, Todd L. Van Rysselberghe, Pat Sullivan, Steve Thomas, Kevin McHargue, Diana Shera Taylor, Hon. Rita Cobb

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

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

**WELCOME AND INTRODUCTIONS**

**CONSENT CALENDAR**

March 4, 2016 minutes were approved as written.

**SUBCOMMITTEE REPORTS**

**Chapter 125 – Judge Rita Cobb**

The Chapter 125 Subcommittee is developing resources for courts in protective proceedings, including a training DVD for court visitors. They are gathering information on court processes, forms, and resources from the American Bar Association (ABA) and the National Center for State Courts (NCSC). The subcommittee will coordinate with the Oregon Judicial Department's (OJD) Office of Education Training and Outreach (OETO) on the development of education programs and resources for judges and court staff. The subcommittee discussed possible presentation topics for the OJD SFLAC Family Law Conference.

**Self-Representation – Judge Maureen McKnight**

The Self-Representation Subcommittee strategized its work plan for the next few years and agreed to focus on website materials and videos for self-represented litigants. Multnomah County Circuit Court will collaborate with the Oregon State Bar (OSB) and Legal Aid Services

of Oregon (LASO) on videos for self-represented litigants. The subcommittee is focusing on developing more web-related content tailored to how their audience receives information.

Judge McKnight passed out the results of a procedural fairness survey conducted by Multnomah County Circuit Court.

The subcommittee is looking to expand committee membership. Bill Howe suggested they contact the family law section of the OSB to give young lawyers an opportunity to engage. Robin Selig mentioned that LASO's Crime Victims Services Division hired a person to update self-help materials and videos for self-represented litigants. Judge Raines offered to help with videos.

### **Domestic Violence – Robin Selig**

The Firearms Workgroup of the Domestic Violence is working on updating forms, materials, and other information relating to firearms in domestic violence cases. The Firearms Workgroup includes Judge McKnight, Judge Brownhill, Rebecca Orf, Robin Selig, Judge Kirsten Thompson, Erin Greenawald, Kimberly Dailey, and Melissa Franz. The workgroup has updated bench sheets related to SB 525 crimes, OJD's firearms guide, court documents with firearms findings, and notices regarding firearm prohibitions in criminal cases.

Judge Raines asked if the subcommittee would clarify the procedure when parties agree to dismissal of a FAPA or EPPDAPA order but want to continue restraints. Robin mentioned that the Multnomah County legal aid office holds a monthly brown bag and this is the next topic for discussion. Judge Raines will ask circuit court judges what they do in those instances.

### **Action:**

- Judge Raines will circulate an email to circuit court judges about FAPA stipulated agreements and copy Becky Orf.

### **Court/Child Support Agency Coordination – Kate Richardson**

OJD is developing a legislative concept to address the transfer of child support cases from one court to a different court. The statutes that currently address this process (ORS 25.100 & 107.449) are out of sync with how court files are maintained now that Odyssey has been fully implemented across the state.

The subcommittee discussed complications of the tiered minimum wages. Kate Richardson explained that the base minimum wage will be used for the child support calculator. The subcommittee is working on interactive parenting plan updates with Meg Rowe of OJD. Meg Rowe will focus first on the safety-focused parenting plan. DOJ will use the remainder of the PTOC grant on domestic violence-related training. Kate reminded the group that the state is not seeking cash medical support at this time. Kate spoke on the child support system project and

how it will change the way the department does business. The new system will be named Origin.

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

The Mediation Services subcommittee reviewed proposed mediation funding for the 2016-2017 biennium and the funding formula created by OJD. The subcommittee discussed topics presented at the AFCC conference, including child-inclusive mediation and a trend in pre-filing mediation. The subcommittee reviewed a policy option package (POP) drafted by Amy Benedum of OJD. The POP seeks to restore a fulltime statewide mediation coordinator position, funding for a statewide mediation orientation video, and funding for four hours of post-judgment mediation in every jurisdiction. Lauren Mac Neill and Bill Howe gave a brief recap of the AFCC conference and praised the quality of the presenters.

### **Parental Involvement and Outreach– Lauren Mac Neill, Adam Furchner**

The Parental Involvement and Outreach Subcommittee (PIOS) worked with Terry Svay to design a map for their “Birth Through Three” presentations. The map contains infographics on where PIOS has held trainings and where they will hold future trainings. PIOS reported that they presented the “Birth Through Three” materials to over 81 people at the AFCC conference. PIOS will present in Deschutes and Union Counties this summer. Lauren asked LFAC liaisons to let LFLACs know that PIOS is available for free trainings; they would like at least three hours to present. Dr. Adam Furchner is working with Terry Svay on webinars for the “Birth Through Three” training. PIOS members offered input on the OJD interactive parenting plan in development by Meg Rowe and Holly Rudolph.

Lauren discussed an email from Dr. Linda Nielsen that asks to include certain materials on the OJD website. Lauren will draft an email response to Dr. Nielsen that acknowledges her suggestion.

Lauren reminded the group that the LFLAC in Clackamas County will be reconstituted and Judge Michael Wetzel will chair the local committee.

### **Action:**

- Lauren Mac Neill requests that LFLAC liaisons ask LFLACs if they would like to schedule PIOS “Birth Through Three” training.
- Adam Furchner will send out a “Birth Through Three” training summary to SFLAC.
- Adam Furchner will work with Terry Svay to develop a series of webinars on “Birth Through Three.”

### **Legislative – Ryan Carty**

Ryan updated the group on a life insurance fix that Judge Raines proposed two years ago. The Family Law Section of the OSB is taking on the life insurance fix. It proposes a way to give the

court authority in cases where life insurance has been ordered to secure a support obligation. Ryan discussed the OSB meeting on the rule of professional conduct regarding the Uniform Collaborative Law Act; the OLC decided not to take on the issue.

**Action:**

- Bill Howe will scan a summary of Merle Weiner’s book from the AFCC conference and send it out to SFLAC.

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

The Family Law Conference Subcommittee has been meeting monthly. The subcommittee has settled on the theme of “Family Law in Oregon: Change, Challenge, and Opportunity.” The tentative dates of March 3-4, 2017, may change due to venue unavailability on those dates. OJD is looking at February 24-25, 2017, March 10-11, 2017, and March 17-18, 2017. The subcommittee has developed a conference planning timeline and completed a call for presenters that will go out as soon as the location and dates are finalized.

Possible topics include Odyssey tips for practitioners, new trends in technology and family law, same sex dissolution of marriage and RDPs, full faith and credit, impact of guide and file on family law facilitation programs and unrepresented litigants, child support program changes, guardianship/conservatorship proceedings and family law overlap, domestic violence and firearms, unbundled legal services, and social security benefits in the form of benefits in domestic relations cases. Colleen sent out a draft of the family law conference logo designed by Terry Svay and requested feedback from the SLFAC. The committee is in the process of drafting an agenda for a potential all-day Friday and half-day Saturday schedule. The committee is also looking into eco-friendly and innovative ways to deliver conference materials such as QR codes, hashtags, and apps. The committee has developed a list of speakers based on suggestions from SFLAC and Family Law Conference committee members.

The subcommittee is seeking to expand the membership of the subcommittee to include a mediator and practicing family law lawyer. Katelyn Jackson, mediator in Lane County, expressed interested, and Judge Brownhill suggested Laurie Hart as the practicing lawyer. Bill suggested contacting Stephanie Coontz (Author, *The Way We Never Were*), Justice Mary Yu (Washington State Supreme Court), Rebecca Kourlis (Executive Director, IAALS), and Andrew Schepard (Editor, *Family Court Review*) as possible presenters. Judge McKnight suggests having a breakout session on statistical data related to family law.

**Action:**

- SFLAC will email Colleen Carter-Cox a list of recommended speakers by June 17, 2016.
- Judge Brownhill will ask Laurie Hart if she would like to join the Family Law Conference Subcommittee.

- Colleen will follow up with Bill Howe on presenters once the dates are finalized.
- The subcommittee will look into incorporating family law statistics and data trends into the conference.

**Limited Scope/Unbundling Workgroup – Bill Howe**

Bill briefly summarized and circulated the IAALS Cases Without Counsel report via email to the SFLAC.

The unbundled legal services rule will take effect August 1, 2017, and OJD is developing a webinar on unbundling.

**Action:**

- Bill will send Vermont Access to Justice information to Samantha to send to SFLAC members.

**INFORMAL DOMESTIC RELATIONS TRIAL FOLLOW-UP – All**

Bill Howe and Jeff Hall reviewed the Informal Domestic Relations Trial (IDRT) process.

**Motion:** Bill Howe moved to ask the Chief Justice to recommend a statewide uniform trial court rule based on the Deschutes Circuit Court IDRT supplemental rule. Motion seconded. Motion passed with a note to emphasize opt-in rather than opt out.

Leola McKenzie encouraged SFLAC to go through the UTCR committee that meets on October 14.

**Motion:** Judge McKnight moved that the recommendation go through the UTCR committee in the regular cycle. Motion seconded. Motion passed.

Bill Howe suggested SFLAC send the waiver form to the UTCR committee with two changes: emphasize opt in and make sure the trial court retains authority to convert to a traditional trial.

**Action:**

- Draft a letter to the UTCR Committee for the October 14, 2016 meeting date and copy Chief Justice Thomas Balmer.

**NAME AND SEX CHANGE FORMS – Colleen Carter-Cox, Linda Hukari**

Linda Hukari reported that 19 of the judicial districts responded to her request for information on name and sex change filing. Only 10 judicial districts have had a name and sex change filing. Linda mentioned that Benton County instructs litigants to bring materials they would like a judge to see in regards to a name and sex change. Linda reported that the litigants are usually well prepared and bring what they need, such as letters from medical professionals. None of the courts have denied a name and sex change judgment.

All courts do not handle the documents in the same way. Some courts return documents to applicants to prevent sensitive documents being scanned into Odyssey. Linda mentioned that the scans would be confidential.

The name and sex change forms are located on the OJD website. Colleen suggested training on appropriate pronouns for court staff.

**Action:**

- Add Name and Sex Changes to the SFLAC Family Law Conference agenda.

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

SFLAC discussed reasonable notice and distance vs. time traveled. Change will require new legislation, and, after much discussion, SFLAC decided that this issue is best resolved by the Family Law Section of the Oregon State Bar.

**Action:**

- Ryan Carty will talk to the OSB Family Law Section Executive Committee about the 60-mile move issue.

**MEMBERSHIP - All**

After 12 years of service on SFLAC, Robin Selig will retire from Oregon Law Center and SFLAC at the end of June. Robin introduced her OLC successor, Debra Dority. Debra has worked for OLC in Hillsboro for 7 years, and in Pendleton for 3 years, and she has served on Clatsop County LFLAC, Clatsop County Domestic Violence Council, and OSB Family Law Section Executive Committee, and is on the board of the Sexual Assault Resource Center in Beaverton.

**Motion:** Robin Selig moved that SFLAC recommend to the Chief Justice that Debra Dority be appointed to serve on SFLAC. Motion seconded. Motion passed.

Attorney Steve Thomas of the Pendleton LFLAC attended the meeting and expressed interest in joining SFLAC.

At Bill Howe's request, SFLAC decided to move the June 2017 SFLAC meeting to June 9, 2017 so it does not conflict with the AFCC conference.

**DISSOLVING REGISTERED DOMESTIC PARTNERSHIPS – All**

Judge Raines reported that the law is unclear on dissolving a registered domestic partnership (RDP) when same sex couples have an RDP and subsequently are married, then divorced. Robin Selig suggested that OJD add a line to the OJD dissolution petition and judgment that states any RDP is dissolved. A legislative fix would be to draft language that states that if one partnership

is dissolved then the other is as well. The group also suggested a form change saying that an RDP is dissolved at the time of the marriage.

**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 an RDP when a couple marries, similar to California law.

**FAMILY LAW BENCHBOOK** – Judge Brownhill

SFLAC discussed the Family Law Benchbook and how to better manage updates and distribution. Currently, Judge Brownhill and Judge Raines work on updates every spring. OETO incorporates edited materials and distributes benchbooks to new judges in June. Other judges never receive updates. Judge Brownhill urged a better update plan and suggested the benchbook be posted on the OJD intranet. Judge McKnight added that it is a high priority that needs OJD resources.

**IFORMS – GUIDE AND FILE TESTING** – Holly Rudolph

Holly demonstrated the beta version of iForms website. Holly showed the new features that will be included in the iForms website such as account creation, saving forms for later completion, and eventual link to efilings. Holly opened the beta testing to the SFLAC and the next round of testing will be opened to general users. SFLAC requested one month to test out the beta version of the iForms website.

**Action:**

- Kate Richardson will review the language on the cash medical pages of the iForms Guide and File website and send Holly Rudolph any corrections.
- SFLAC will test out the iForms website and inform Holly Rudolph of any glitches or issues they see by July 14, 2016.

**OTHER BUSINESS**

SFLAC will decide the next meeting location based on the availability of the Chief and Kingsley.

**Action:**

- SFLAC will coordinate with Chief Justice Thomas Balmer and State Court Administrator Kingsley Click regarding meeting date and location (Salem or Portland and September or December)
- Samantha Benton will notify the appropriate committees of Robin's retirement, and confirm replacements (Colleen Carter-Cox on SFSG, Debra Dority on LPWG).

- Ryan Carty will talk to the Family Law Section about time for the SFLAC on the OSB Family Law Conference agenda.

Meeting adjourned at 4:30 PM.