

MINUTES
STATE FAMILY LAW ADVISORY COMMITTEE
March 2, 2007

Multnomah Juvenile Justice Center
Portland, Oregon

Judge Brownhill called the meeting to order at 12:35 p.m.

Members Present: Hon. Paula Brownhill, Bill Howe, Stephen Adams (by phone), Jim Adams, Ernie Mazorol, Lauren MacNeill, Linda Scher, Robin Selig, Hon. Terry Leggert, Hon. Maureen McKnight, David Hakanson

Members Absent: Ramona Foley, Ed Vien, Hon Robert Selander, William Castor

Guests: Karen Olson, Kathy McLaughlin, Chris Walls

Staff: Bealisa Sydlik, Maria Hinton

Introductions

CONSENT CALENDAR

Minutes from December 1, 2006: Motion to approve the December 2006 minutes was made by Hon. Terry Leggert, seconded by Linda Scher. Minutes were approved as written.

POLICY CONCERNS AND DEVELOPMENTS–Old Business

Update on creation of the customer satisfaction survey linked to 2007-2009 Performance Measure #10 – Jim Adams and Ernie Mazorol

At the last meeting it was reported that Performance Measure #10 was adopted. A workgroup has not yet been convened to address this issue. Karen Olson gave Ernie a copy of a survey she developed and let the committee know that the evaluation of the Facilitation Programs has been put on hold until after legislative session.

<p>ACTION ITEM: Ernie and Jim volunteered to contact Alice Phalan to initiate a plan to develop the customer satisfaction survey, and will report back at the next SFLAC meeting in June.</p>
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SFLAC Task Force re: Alternative Methods of Resolving Family Matters – Lauren Mac Neill

Lauren Mac Neill reported that this Task Force has been disbanded pending the SFLAC retreat and determination of priorities.

Pro Tem Coverage for Judges and meeting with the Chief Justice – Judge Brownhill and Bill Howe

Judge Brownhill and Bill Howe met with Chief Justice De Muniz on February 8, 2007 to inquire about the possibility of pro tem coverage for judges serving as chairs on the SFLAC and the SFLAC Subcommittees, as well as the Chief Justice’s Task Force on Judicial Support for Pro Bono. Judge Brownhill distributed the OJD’s pro tem policy to the committee and reported that the Chief had reviewed the policy with Kim Blanding of OSCA, and he believes that under paragraph 3 (g), it would be possible to arrange for pro tem coverage for judges who serve as chairs on these committees, subcommittees and task forces. The Chief is very supportive of judges taking a leadership role on committees. The Chief stated that he would not single out specific committees to be eligible for pro tem coverage, but rather supports a statewide policy that encompasses work throughout the state.

<p>ACTION ITEM: Judge Brownhill will be contacting Kim Blanding to discuss procedural requirements for requesting pro tem coverage.</p>
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SFLAC Retreat – Maria Hinton

The SFLAC retreat has been rescheduled to June 8, 2007, from 8:30 am to 4:30 pm (coffee available at 8:00 am). The location selected for the retreat is the Wittenberg Inn, 5188 Wittenberg Lane, Keizer, Oregon (503 390-4733). The Chief Justice, State Court Administrator, Leola McKenzie and Hon. Dale Koch are invited guests. Members who will not be able to attend are Stephen Adams, Bill Howe, and possibly Lauren Mac Neill.

There is a room block available at the Wittenberg Inn, reserved for SFLAC members traveling more than 60 miles one way. Please call and make your reservations and indicate that you are with the SFLAC Retreat.

There will be an optional dinner on Thursday evening from 6:00 p.m. to 8:00 p.m. Location TBA.

The planning committee for the retreat includes Judge Brownhill, Alice Phalan, BeaLisa Sydlik and Ernie Mazorol.

ACTION ITEMS: It was suggested that SFLAC members who would not be able to attend the retreat participate in a conference call prior to finalizing the agenda to share their thoughts for the retreat.

Ernie asked if there was anyone the committee might want to invite to the Retreat (possibly by conference call for 30-45 minutes, in lieu of in-person) that has had experience with “Alternative Methods of Resolving Family Matters” to help stimulate efforts and direction for the Task Force. Bill will contact Hugh McIsaac regarding possible resources.

Linda Scher raised a concern regarding the shortened time for the retreat and the possibility of arranging an SFLAC business meeting prior to the retreat. The committee agreed they did not want to take time away from the retreat on June 8th to conduct a business meeting, so the committee voted to hold the SFLAC business meeting on June 7, 2007 from 3:00 p.m. to 5:00 p.m. Maria will arrange meeting space.

POLICY CONCERNS AND DEVELOPMENTS–New Business:

Legislative Issues – Hon. Terry Leggert, Bealisa Sydlik

Bealisa prepared a summary sheet of family law legislative highlights as of February 23, 2007.

Judge Leggert asked about the status of SB 269. Bealisa reported that SB 269 had its hearing in the Senate and will be heard in the House on March 6, 2007. The SFLAC had voiced a concern that judges would not be able to modify the orders. Bealisa addressed this concern with the SCA and Chief Justice. The Chief and SCA replied that judges have inherent authority to change orders and make modifications.

SB 612 (sponsored by Senator Kate Brown at the request of Mark Kramer, Attorney in Portland who does many third party custody cases) actually mentions the SFLAC. This bill would require the court to appoint an attorney to represent the child unless the court makes written findings that the best interest of the child is adequately represented by the parties’ attorneys or custody evaluators. The bill states the Presiding Judge of each judicial district is required to establish qualifications for these attorneys and to take into consideration any guidelines recommended by the SFLAC. This bill is exactly a replica of what Mark introduced last session, it did get a hearing and there were many concerns raised. Bealisa worked with the Oregon Law Center, through Sybil Hebb, and came to agreements on amendments, none of which are reflected in this bill. The amendments would basically “gut” this bill and instead provide in the 107.425 statute that judges may appoint attorneys for children when they consider it appropriate and in the best interest of the child, even in 109.119 which are the third party custody grandparent, psychological parent type proceedings.

Stephen clarified that the bill would have the presiding judge take into consideration any guidelines recommended by the SFLAC in establishing qualifications for attorneys to represent the child. Stephen believes that this is exactly where the committee should be— working to create professional standards to which judicial officers are expected to turn for reference and guidance. BeaLisa voiced a concern that this may not be in the SFLAC Action Plan due to lack of staffing and resources available to prescribe how attorneys should handle these types of cases. Discussion continued concerning the difference between determining qualifications of an attorney vs creating professional standards. It was suggested that judicial time be reflected in the fiscal impact statement, since the bill presumes there will either be a court appointed attorney or a written findings of fact by the judge.

Judge Leggert volunteered to talk with Senator Brown and Mark Kramer concerning this bill and share feedback with BeaLisa.

HB 2382 – Judge McKnight gave a summary of this bill. The highlights involve preserving the broadest of judicial discretion regarding disestablishment of paternity, and establishing paternity in a judgment “by inference”. The value of the bill is that it sets out some clarity about when and how a party can seek a challenge.

SB 558 – (DV/Stalking/FAPA involving teens) Judge Leggert and Robin discussed this bill and the fact that it may be rescheduled for hearing to March 15th. Discussions are underway concerning issues with respect to juvenile court jurisdiction vs circuit court.

SUBCOMMITTEE REPORTS:

Annual Family Law Conference: Judge Selander was not present, however, Maria reported that at the last SFLAC meeting the committee decided to hold the conference the same weekend as the CJA conference in Sunriver. The Family Law Conference would be held Friday, May 4th and Saturday, May 5th, 2008. The Chief Justice scheduled a Presiding Judges meeting on May 5th, so this event would limit attendance of presiding judges, the Chief Justice and State Court Administrator to the Family Law Conference. Maria will check with Kim Blanding regarding facility planning for Sunriver, so that both events could occur in the same place. The committee agreed that discussion of the Family Law Conference theme will be placed on the June 7th agenda. Bill Howe will solicit ideas from Hugh Mclsaac for the conference theme and/or presenters.

Domestic Violence Subcommittee: Robin reported that the DV subcommittee has met twice since the December SFLAC meeting. The subcommittee has been focusing on updating the Confidentiality Brochure, originally designed in 2004. The revision was prompted because of the need to include information on the Address Confidentiality Program that went into effect January 1, 2007. The revision is now complete and includes some additional information and efforts to simplify the language in the brochure. The DV subcommittee approved the revisions and will now be asking the SFLAC to approve the revised brochure.

ACTION ITEM: Robin and BeaLisa will send an e-mail to SFLAC committee members with the brochure attached, and ask for comments/responses and a vote to be returned by e-mail to Robin by a designated date.

The subcommittee is keeping abreast of legislative family law issues and domestic violence changes.

Robin thanked Karen Olson for her supportive role regarding the DV Subcommittee.

Parenting Plan Outreach Workgroup (PPOW): Linda reported that the Basic Parenting Plan Guide review team is currently active. Linda put out a call for participants and received positive responses from 13 attorneys who wanted to serve on this committee. The review team accepted 4 of these offers along with other new members from various organizations. There are also several original review team members who consented to work on the revision process. The team has representation from St. Andrews Legal Clinic, Legal Aid, private practice attorney, outgoing Chair of the OSB Family Law Section, Judge Thompson, a facilitator, a mediator, etc. (total of 15 members). Linda identified the review team members, by name, for the SFLAC.

The group will meet on March 9, 2007, with a plan to have a draft completed and presented to the SFLAC for approval by June, then posted on the website by July. The application process for a VAWA grant to provide funding for translation into Spanish will begin in May, 2007. Linda and BeaLisa will work on the grant process.

Court/Child Support Agency Child Support Coordination: Judge McKnight reported that the January meeting was cancelled due to weather. The January agenda included time set for the OJD Information Technology Department to meet with similar representatives from the Child Support Program to begin a discussion about system interfacing. That discussion has been included on the March agenda and Sarah Gates from OJD will be presenting.

BeaLisa reported that the draft of the Child Support Benchbook is now complete and ready for review by this subcommittee. The Benchbook will eventually be given to the SFLAC for a final review. Judge McKnight suggested that all family law issues should be consolidated into one benchbook.

Judge Leggert suggested that at either the Judicial Conference or the Family Law Conference, administrative staff present a "Child Support 101" session for attorneys and judges on the administrative process of child support.

Judge Brownhill suggested that in the future, the full SFLAC review the whole Family Law Benchbook, and include information on domestic violence. It may be helpful to obtain copies of the table of contents and have the SFLAC review it by topic to see if information needs to be added.

ACTION ITEM: Judge Brownhill will be circulating the table of content to the SFLAC.

Self-Represented Legal Services Subcommittee:

Judge McKnight reported that the subcommittee has been meeting by phone for the last several months, and there is an in-person meeting scheduled for March 20, 2007. The purpose of the March meeting is to receive input from several guest stakeholders, and begin to synthesize and discuss responses received from the stakeholder groups previously contacted by subcommittee members, and determine what the appropriate next steps should be for Oregon when responding to self-represented litigants.

BeaLisa reported that the Chief Justice would like to have the SFLAC 's assistance in developing guidelines for judges in self-represented cases. Judge McKnight stated that there is a group who is planning to have a conference at Harvard in November 2007, who will be developing curriculum for judges on working with self-represented litigants in the courtroom. Richard Zorza and many judges are involved in this event and there will be a letter going out to every Chief Justice in April inviting them to send a team to the conference. This is exciting because there will be a product that Oregon can build from that will be developed by people who are very knowledgeable in these issues. If asked to attend the conference, Judge McKnight indicated that she would go. It is her hope that the subcommittee report is developed, approved by the SFLAC and presented to the Chief in time to support Oregon participating in this conference.

ACTION ITEM: Judge McKnight will send the information to BeaLisa and Maria, who will forward it to the SFLAC. The SFLAC members will then submit names of individuals who they feel should be considered for participation on the team that could potentially be sent to the national conference.

The SFLAC could then draft a letter to the Chief letting him know that the committee became aware of the national conference and would like to propose recommending a team of 3-5 people/disciplines to participate at this national conference.

Subcommittee on Subcommittees: Stephen reported that the subcommittee is currently inactive and on standby to address structural issues as they arise.

ACTION ITEM: Subcommittee issues could be discussed at the retreat. For example, minimum commitments of time, if subcommittees should be used in accomplishing tasks, etc. Stephen suggested that this would be an excellent topic for the retreat and he suggests a telephone conference prior to the retreat with Judge Brownhill, BeaLisa and himself to discuss the topic.

OLD BUSINESS: For the committee's information: Judge Koch is getting the "Judge Stephen Herrell Award" on March 22, 2007, at 5:00 p.m. at 15th and Hancock NE in Portland, given by the Multnomah County Family Violence Coordinating Council.

NEW BUSINESS: In the late fall, Jim Adams will be conducting a survey of his court that will follow the national performance measures. There are ten scaled questions on access, five scaled questions on justice, and additional demographic questions. He has purchased a scanner and a sophisticated software product that will allow sorting of responses by specific areas. Jim is willing to share information and would encourage the SCA office to invest in this type of technology.

Jackson county is very close to having a contract with Dr. Rivera who will conduct an evaluation on his program, using PH.D. level research techniques.

Judge McKnight discussed the number of treatment/intervention courts currently in existence and her concern with locating best practices (research) regarding the exposure of parents to a multitude of interventions and the order in which these interventions should take place to maximize the benefits for the parents. Karen Olson stated that she emailed a very thoughtful journal article to the DV subcommittee on just this topic.

ACTION ITEM: Karen will forward the article to all SFLAC members.

Ernie suggested that the committee should start thinking about potential nominees for the Wallace P. Carson Award to be presented at the next Family Law Conference.

ACTION ITEM: At the retreat the SFLAC should outline the attributes and values the committee wants the recipient of this award to possess.

Judge Leggert clarified her report from the last meeting regarding a relatively new program in her county. Marion County has a permanent pro tem judge that conducts an orientation each Friday for every person who has a domestic relation case with children. Mediation is the next step in the process. Self-represented litigants then come back and if they resolve their case, this pro tem judge will sit down with them and get their resolution in writing. If mediation has failed, then the case is assigned to a judge. This process researches for FAPAs, and includes parent education, however, the process is in the very early stages of implementation.

Judge Leggert also stated that the Local FLAC suggested that attorneys and parties identify on their paperwork if their cases involve children under five. The heading of every pleading that is filed now identifies if the case involves children under five. The court handles these cases differently.

Meeting adjourned at 3:00 p.m.

FUTURE MEETING DATES:

Thursday, June 7, 2007 3:00 p.m. - 5:00 p.m. DHS, 500 Summer St. NE, Rm. 137D, Salem

Friday, June 8, 2007	All Day Retreat	Wittenberg Inn, Keizer
Friday, Sept. 7, 2007	12:30 p.m. - 4:30 p.m.	(CJ/SCA Annual Meeting - DHS Bldg., 500 Summer St. NE, Rm. 137A, Salem)
Friday, Dec. 7, 2007	12:30 p.m. - 4:30 p.m.	Multnomah County Juvenile Justice Center

Friday, March 7, 2008	12:30 p.m. - 4:30 p.m.	TBA
Friday, June 6, 2008	12:30 p.m. - 4:30 p.m.	TBA
Friday, Sept. 12, 2008	12:30 p.m. - 4:30 p.m.	TBA
Friday, December 5, 2008	12:30 p.m. - 4:30 p.m.	TBA

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