

**MINUTES**  
**STATE FAMILY LAW ADVISORY COMMITTEE**  
**June 7, 2007**  
**3:00 p.m. to 5:00 p.m.**

**DHS Bldg. 500 Summer St. NE, Room 137D**  
**Salem, Oregon**

Judge Brownhill called the meeting to order at 3:05 p.m.

**Members Present:** Hon. Paula Brownhill, Jim Adams, Ernie Mazorol, Hon. Terry Leggert, Hon. Robert Selander, Ramona Foley, Butch Castor, Ed Vien, Linda Scher, Robin Selig, Lauren Mac Neill, Hon. Maureen McKnight, Dave Hakanson

**Members Absent:** Bill Howe, Stephen Adams

**Staff:** BeaLisa Sydlik, Maria Hinton

**Introductions**

**CONSENT CALENDAR**

**Minutes from March 2, 2007:** Motion to approve the March 2007 minutes was made by Ernie Mazorol, seconded by Judge Selander. Minutes were approved as written.

**POLICY CONCERNS AND DEVELOPMENTS–Old**

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

Jim Adams and Ernie Mazorol reported that a Statewide Facilitation Satisfaction Survey was drafted using the seven Key Components outlined for “Quality” Facilitation Programs. A sample was distributed to the SFLAC members to review. It was suggested that a space for “county” identification be included on the form, as well as a question regarding primary languages of court users. There should also be the word “over” added to the bottom of the front page to alert people that there is additional space on the back of the form. The committee discussed the fact that the audience for this survey would only be people who have gone through the facilitation program, and would not address the population that the facilitation programs were not able to serve. Judge McKnight mentioned that Multnomah was in the process of developing a satisfaction survey, and will bring this sample form to her court for consideration. Jim mentioned that he has the software to scan the surveys quickly and obtain reports easily. He will add

the suggested improvements to the form and obtain OSCA's approval to pilot the form in Jackson, Deschutes and Multnomah counties.

## **POLICY CONCERNS AND DEVELOPMENTS--New**

**SFLAC RETREAT** -- Packets of material were distributed to the committee members for the SFLAC Retreat that will be held on June 8, 2007.

## **SUBCOMMITTEE REPORTS:**

**Annual Family Law Conference:** Material was distributed that explained the reasons why the SFLAC did not receive permission to have the Family Law Conference in conjunction with the CJA meeting in April 2008. It has been suggested that the SFLAC consider holding the Family Law Conference in conjunction with the JCIP conference that is held the second week of August each year (Sun, Mon, Tue). The JCIP conference is usually held in central Oregon but location is flexible. The committee discussed the pros and cons and decided that it would be more beneficial to hold an independent conference in September 2008. The SFLAC decided to wait until after the retreat to decide on a theme for the 2008 Family Law Conference. Location for the conference was then discussed and suggestions were made for Eugene, Hood River and Wallowa. It was decided that, due to logistics, staff will research the following facilities and report back to the Planning Subcommittee:

- Valley River Inn
- Eugene Hilton Inn
- Best Western Hood River Inn

**Domestic Violence Subcommittee:** Robin reported that the subcommittee met once since the last meeting to discuss the Confidentiality brochure. Tom Hedberg from Division of Child Support was asked to review the language used in the brochure and he found it fitting for the audience. There were minor changes suggested to the "Administrative Child Support Proceedings" section of the brochure. Judge Selander mentioned he was concerned with the grade level of the brochure. Robin stated that due to the content information, it was very difficult to write at a lower grade level, but the subcommittee did their best to make the information as understandable as possible for the reader. The committee approved the brochure and identified several distribution points for the brochure: Family Law Website, DV webpage; e-mail to TCAs and Facilitation Programs; Police and Sheriff's offices.

Robin stated that the subcommittee will be available to assist in revising FAPA forms. The subcommittee cannot provide feedback currently on the DV Court Technical Guide, but could possibly review it at a later date.

The topic of domestic violence training was discussed and the committee was informed that training is available. Contact persons for training information are Lauren Mac Neill, Erin Ruff and Leola McKenzie.

**Parenting Plan Outreach Workgroup (PPOW):** Linda reported that the Basic Parenting Plan Guide review team has met twice (March 9<sup>th</sup> and May 11<sup>th</sup>) and may need another in-person meeting to review the work completed so far on the major revision of the guide. The work group is working to create four age appropriate parenting plans with worksheets and relevant information. The packets will include information on child development and sample schedules as well as an area to create an individual parenting plan. This new approach will give users access to immediate information relevant to their children and several choices (but there will be no default plan). It is the hope that these new forms will make it easier for parents and judges to use, and is hoped to be available on-line, on disc, and in paper form. There will be a link to the DCS calendar calculator as well.

**Court/Child Support Agency Child Support Coordination:** Judge McKnight reported that the group is working on identifying a work plan. There are ad hoc workgroups in four major areas:

- 1) Data technology interface between Division of Child Support and the courts (how does DCS get copies of orders?) Sarah Gates spoke to the group and added this needed interface to her technology plan
- 2) Cross-training/education – Shawn Brenizer is working on how to get judges involved in the training regarding medical support and the new Child Support Guidelines effective October 2007
- 3) Self-represented litigants – prime constituency is lower to lower/middle class clients. These clients' deal with DCS and the courts. Need to develop non-custodial parent assistance programs
- 4) Grants and projects (under VI-D funds) – need to think in global terms

This subcommittee is planning to produce a Child Support Benchbook. There is an area of concern regarding the ethics of child support program staff contacting judges with questions. Judge McKnight will work with DCS to help clarify ethical issues. Currently judges need a one-page information sheet to distribute to DHS caseworkers regarding how to start the process for child support. DCS is working on developing this information.

**Self-Represented Legal Services Subcommittee:** Judge McKnight reported that the subcommittee is meeting monthly by teleconference calls and will be developing a Briefing Paper to present at the September 7, 2007 SFLAC meeting. The group is looking at the current status of self-represented litigants in Oregon and Oregon court responses to their issues. Some of the topics that will be discussed in the paper will touch on uniformity of forms (interactive, on-line) in keeping with the legislative switch to have the FAPA and Chapter 107 forms not done statutorily but by the State Court Administrators office; there is also a strong interest in mandated forms; and judicial education—developing guidance.

The Self Represented Litigation Network will be hosting a three-day training at Harvard in November 2007, and Judge McKnight is hoping to be part of a team from Oregon appointed by the Chief to attend this conference. She would also like to see Judge Orf appointed, as well as someone from OSCA since this is a train-the-trainer opportunity and the Education Manager for OSCA should be involved in the process. Suggestions for attendees will be compiled by Judge McKnight.

**Subcommittee on Subcommittees:** No report—structure will be discussed at the retreat.

**Legislative Issues:** BeaLisa distributed a summary sheet on current legislative issues:

HB 2961-- \$10 filing fee to be collected from petitioners and respondents in marital annulment, dissolution or separation cases to be paid to the DV Clinical Legal Education Account. (to Ways and Means)

SB 271 – Fee waivers and deferrals: authorizes presiding judge to delegate authority to waive or defer court fees and costs to the TCA. (passed both House and Senate, to Governor—effective 1-1-08)

HB 2007 – Domestic Partnerships: creates a contractual relationship of “domestic partnership” that would give certain same-sex couples the same privileges, immunities, rights, benefits and responsibilities as those that exist for and between married Oregonians. (signed by Governor – effective 1-1-08)

SB 307 – Authorizes court to award attorneys fees and costs in a modification of a FAPA order, and amends provisions in ORS Chapters 107 and 109. (signed by Governor – effective 1-1-08)

HB 2131B – Address Confidentiality Program: added clarifying provisions. (passed both houses, to Governor – effective on date signed)

HB 2869 – Sheriffs’ Duties: Authorizes sheriff to use forcible entry to specified premises to recover a child. (signed by Governor – effective 6-1-07)

HB 2382 – Disestablishment of Paternity: Establishes process for setting aside or vacating paternity establishment. (passed both House and Senate, to Governor for signature. Effective 1-1-08)

SB 269 – Family Law Forms: Removes currently-existing statutory forms in ORS Chapter 107 and replaces with requirement that the form and content of these forms to be as prescribed by the State Court Administrator. (passed both House and Senate, signed by Governor, effective 1-1-08)

HB 2092 – Delegation of Parental Powers: Delegate powers designated in Subsection (1) of this section to the spouse of the service member-parent for a period not exceeding

the term of active duty service plus 30 days, unless a court finds that the delegation would not be in the best interests of the minor child. (signed by Governor, effective 1-1-08)

HB2190B – Custody Proceedings: Amendments to ORS 107.135. Modification of custody as a result of military deployment of the custodial parent. (passed House, to Senate Floor)

SB 306 – Reinstatement of Terminated Spousal Support: Clarifies court’s ability to reinstate the remaining duration and amount of a spousal support award that has been terminated. (passed both House and Senate, to Governor for signature. Effective 1-1-08)

HB 2125A – Child Support, Health Care Coverage, Medical Support: Public hearing and work session held in House Judiciary, referred on House Floor to Ways and Means where it was assigned to the Subcommittee on Public Safety. A hearing and work session has been scheduled for June 5, 2007.

**OLD BUSINESS:** Wallace P. Carson award “attributes” need to be outlined. Judge McKnight volunteered to forward criteria established for the Judge Herrell award to Jim and Ernie for their review. They will also talk with Justice Carson to see what he would like regarding this award.

**Update on Firearms Dispossession efforts:** Judge Brownhill reported that BeLisa and Judge Brownhill served on a panel at a Firearms Dispossession training in Ashland on May 18, 2007. A presenting judge from Kentucky covered federal firearms laws and stated that the Brady Law takes effect when judges issue the initial FAPA order, and it is at that time that Oregon judges need to hold people accountable under the federal law. Judge Brownhill stated that it should not be at this time, but should be when a respondent requests a hearing, when the court schedules a hearing, or when a petitioner requests a hearing and the respondent appears for that hearing. The presenter was adamant that Judge Brownhill was not correct.

This was a regional training for judges (approx 35-40 judges from around the state). It was suggested that Judge Brownhill take the Family Law Newsletter Section articles that Robin and Alan wrote which talk about this issue and mail it to all training attendees with a cover letter that states something like “the SFLAC understands that there was some confusion at the training and thought that this article might be helpful to highlight the understanding brought forth in the U.S. Attorney position”. BeLisa and Judge Brownhill will work on this issue. The video of this training needs to have a copy of the U.S. Attorney position as a clarifying document for Oregon judges.

**NEW BUSINESS:** Custody evaluator issue: BeLisa reported that a letter was sent from the State Board of Clinical Social Workers to Kingsley Click, SCA. The Board wanted to bring to Kingsley’s attention the fact that an unlicensed child custody evaluator

was appointed by an Oregon Circuit Court to complete an evaluation. Their concern stems from the fact that this evaluator had his license revoked for sexual misconduct and dual relationship with clients.

It was discussed by the SFLAC that an evaluator does not need to be licensed in order to perform child custody evaluations. If the Board is concerned with this issue, it was suggested that they routinely forward a list of persons whose licenses were revoked (similar to the attorney lists) to the court. BeaLisa will work with Judge Brownhill to draft an appropriate response to the Board.

Meeting adjourned at 5:00 p.m.

**FUTURE MEETING DATES:**

<b>Friday, Sept. 7, 2007</b>	<b>12:30 p.m. - 4:30 p.m.</b>	<b>(CJ/SCA Annual Meeting - DHS Bldg., 500 Summer St. NE, Rm. 166, Salem)</b>
<b>Friday, Dec. 7, 2007</b>	<b>12:30 p.m. - 4:30 p.m.</b>	<b>Multnomah County Juvenile Justice Center</b>
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<b>Friday, March 7, 2008</b>	<b>12:30 p.m. - 4:30 p.m.</b>	<b>TBA</b>
<b>Friday, June 6, 2008</b>	<b>12:30 p.m. - 4:30 p.m.</b>	<b>TBA</b>
<b>Friday, Sept. 12, 2008</b>	<b>12:30 p.m. - 4:30 p.m.</b>	<b>TBA</b>
<b>Friday, December 5, 2008</b>	<b>12:30 p.m. - 4:30 p.m.</b>	<b>TBA</b>

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