

MINUTES
SFLAC MEETING
MULTNOMAH COUNTY JUVENILE JUSTICE CENTER
PORTLAND, OREGON
August 02, 2002
(1:30 p.m. - 3:45 p.m.)

The meeting was called to order by the Hon. Paula Brownhill, SFLAC Chair, at 1:30 p.m.

Members Present: Hon. Paula Brownhill; Hon. Maureen McKnight; Dave Hakanson; James L. Adams; Ramona Foley; Kate Barkley; Edward Vien; Linda Scher; Sharon James

Absent: Hon. Robert Selander; Hon. Terry Leggert; Ernest Mazorol; Stephen Adams; Cynthia Chinnock; William J. Howe

Guests present for all or part of the meeting: Alison Taylor; Karen Olson; Lauren McNeil

OSCA Staff Present Alice Phalan; Erin Ruff; BeaLisa Sydlik

CONSENT CALENDAR:

Minutes: Minutes of the April 5, 2002 meeting were read and approved pending the correction of Judge Crowley's first name from William to Paul.

SUBCOMMITTEE REPORTS:

Domestic Violence Subcommittee/Curriculum Subcommittee: *Kate Barkley* reported that "Nondisclosure of Personal Identifying Information" forms are now available and will be presented on at the September 17, 2002 OJD Advanced Facilitation Training in Salem. The Subcommittee is still working on the "State of the State" Briefing Paper. The Subcommittee has also finished its work on the Brady-Compliant Order After Contested FAPA Hearing Form which has been placed on the OSCA Reference Database in the Forms Section. A memorandum has gone out from the Office of State Court Administrator to all courts regarding these new forms, which will be piloted for 3-6 months, and then reconsidered for revision by the Subcommittee. *Judge Maureen McKnight* reported that the Multnomah County Civil Court Subcommittee of the DV Steering Committee has prepared a brochure with VAWA funds. *BeaLisa Sydlik* reported on two VAWA-funded OJD grant projects of the Interpreter Services Program (ISP) and Marion County Circuit Court. The Interpreter Services Program is translating FAPA forms into Russian and placing these, as well as Spanish and English versions of the forms on the OJD Family Law Website. Marion County is developing a stalking protective order brochure and hiring a court coordinator to assist Spanish-speaking victims seeking FAPA orders.

Jim Adams reported that the National Center for State Courts (NCSC) has surveyed fifty courts regarding criminal DV prosecutions in family courts. The NCSC recommends further research is necessary but reports there is likely to be an inclusion of criminal DV cases in integrated family court cases.

Safety-Focused Parenting Plan Work Group (SFPPWG): *Sharon James* reported that Version #2 of the Safety Focused Parenting Plan Guide has been sent out to SFLAC members. The work group is seeking SFLAC approval to recommend to Kingsley Click, State Court Administrator. She noted there was broad professional representation on the work group. *Linda Scher* reported on feedback received from Lauren McNeil, Director of Family Court Services in Clackamas and thanked that entity for being responsive to the work group's request for feedback on the guide. Other refinements included changing references to "mother" and "father" to "parents," and clarifying that the women's crisis centers listed in the Resources Section were "open to everyone." Contact information for Legal Aid Services of Oregon will also be added to the Resource List.

Discussion was had about the possible need for a disclaimer on the Guide that it is being offered on a trial basis only. The possibility of reconsidering both the basic "Parenting Plan Guide for Parents" and the "Safety Focused Parenting Plan Guide" in the Winter of 2003 was discussed. Members of the original workgroups could be asked to reconvene for this purpose. The SFLAC commented on the need to "institutionalize" a method to review and revise the work products of the SFLAC.

There was a suggestion that a "quick link" be placed on the OJD Family Law Website for comments and feedback on the Guides. It was also proposed that the Guide be sent to all local FLACs and domestic relations judges. Different means of offering choices to parents on the website and screening re: which plan to use were discussed.

RESOLVED: SFLAC recommends approval of the "Safety Focused Parenting Plan Guide" to Kingsley Click subject to the following:

- 1.) Making a few minor non-substantive changes to the Guide as discussed at the meeting;
- 2.) that there be an institutionalized process for update, review and revision of both Guides (similarly, with all SFLAC work products); and
- 3.) that there be a way to provide feedback on the website.

It was also pointed out that development and revision of the Guides, as well as any other SFLAC projects, should include the capacity to measure the impact of our products.

Annual Conference Planning Subcommittee: *BeaLisa Sydlik* reported and handed out a summary of the general conference evaluations. At the March 2003 SFLAC meeting, the SFLAC will address the decision of whether or not to have another conference. The conference evaluations show that registrants like having the conference at different locations. The possibility of combining the SFLAC conference with other conferences such as Juvenile Court Improvement Project (JCIP), the judicial conferences, or the OSB'S Family Law Section's

Annual Conference in November, will be reconsidered at that time, with direction from the State Court Administrator. Were the conferences to continue as before, the next one would be in October 2003.

HANDOUT:

- Conference Evaluation Compilation Summary (Purple)

Parenting Plan Work Group (PPWG): *Linda Scher* reported that volunteer members of the PPWG, including Chair *Sharon James*, presented at the UTCR (Uniform Trial Court Rule) Committee Meeting on April 26, 2002, in addition to submitting a letter dated 4/12/02 with suggested language changes for UTCR 8.070 regarding "Parenting Plans." The Committee declined to accept the SFLAC's proposed changes to Proposals #'s 9 and 11. It also felt it was not the appropriate committee to consider the SFLAC's request that a form of recommended parenting plan be referenced in the rule which incorporated the "Parenting Plan Guide for Parents" developed by the PPWG. The Committee indicated that it addresses only issues of uniform content and the location of local rules. They suggested that the SFLAC take its vision for parenting plan development to the local courts.

Discussion followed as to the extent to which the Guide is being used in the state, and how increased use might be encouraged. It was noted that very little feedback about the Guide has been received since it was released in September 2001. A suggestion was made that information about the Guide be taken to the local courts, the local bar and judges to propose to them that they adopt the Guide as a local court rule. There was also discussion about the UTCR Committee's desire for a standardized parenting plan form. It was commented that a standardized form was contrary to the intent of the PPWG since these tend to be seen as prescriptive. Judge Brownhill said that Clatsop County has both a prescriptive and a fill-in-the-blank type of parenting plan form in its supplemental court rules. Another suggestion was that a survey be done as to why attorneys and parents are not using the form. Courts may not be using them because of the cost of copying which may be as much as \$1.35 for the entire Guide.

It was suggested that the PPWG and SFPPWG be combined and reconstituted, with an advocacy element. *Linda Scher* volunteered to chair the reconvened PPWG and SFPPWG. *Dave Hakanson* and *Ed Vien* volunteered to continue as members, and *Judge Maureen McKnight* indicated an interest in being on an e-mail interest list group. New and continuing members will continue to be solicited.

Future's Subcommittee: *Bill Howe* was not present, being in attendance at his own wedding. Congratulations, Bill!

CCSA Coordinator Sub-Committee: *Hon. Maureen McKnight* reported on the prior structure of this Subcommittee and the co-chairs' vision for its new structure. She explained that, after the next legislative session and assuming the appropriate legislation passes, oversight of the Oregon Child Support Program will transition from the Department of Human Services (DHS) to the Department of Justice (DOJ). The DOJ will continue to contract for enforcement services with local district attorneys. Co-Chair *Cindi Chinnock* is on temporary leave from the DOJ to the DHS to oversee transition issues and procedures.

The re-convened Subcommittee will continue the work of the prior sub to identify child support issues which affect parents in each forum. The last year and a half have been a period of “relationship building” between the courts and the Child Support Program, and Judge McKnight sees the Subcommittee as being able to move beyond the first phase of finding out who does what to prioritizing the issues the Subcommittee will work on.

Judge McKnight distributed a “handout” summarizing “completed projects” and “current projects.” She identified the proposal to the Oregon Law Commission (OLC) re: resolving “multiple orders from multiple forums” as a major commitment of the Subcommittee. The OLC appointed a workgroup to address two general issues: (1) What can be done so that each forum is not entering multiple orders? and (2) in situations where there are already two orders, how can it be determined which one controls? The OLC Workgroup is drafting a legislative concept which would require litigants to plead the existence of an order or pending proceeding to establish child support. She also advised that the DOJ’s Division of Child Support hopes to have some kind of on-line registry in place by September 2002 to obtain information about agency orders and proceedings.

HANDOUT:

- 3-page Report from Court/Agency Child Support Committee dated 8/2/02 submitted by Hon. Maureen McKnight (white)

SB 167 Guidelines Subcommittee: *Ed Vien* reported re: a meeting which involved himself, Dave Hakanson, Alice Phalan, BeLisa Sydlik, and Erin Ruff. This group recommended that the prospective subcommittee stay within the scope of ORS 107.425, which provides that presiding judges shall consider the qualifications for family law service providers established by the SFLAC in implementing new family law programs. It does not require that the SFLAC create standards for how individual judicial districts spend the conciliation and mediation fees collected from filing fees. The group recommended that the prospective Subcommittee:

- 1.) Develop a clearinghouse of existing qualifications for program providers, collected from other states and organizations with recognized expertise, in the areas of custody evaluation, parent coordination, and supervised parenting time/exchange programs;
- 2.) Create process recommendations regarding the development of qualifications for program providers panels in the above content areas; and
- 3.) Make recommendations and create a library of information for the above-identified content areas.

Erin Ruff, OSCA Mediation Coordinator, will staff the Subcommittee and members will include Chair *Ed Vien*, *Dave Hakanson*, and *BeLisa Sydlik*.

HANDOUT:

- Memorandum to SFLAC Members from *Ed Vien* and *David Hakanson* dated 6/13/02
- Copy of ORS 107.425 (goldenrod)

OLD BUSINESS:

Procedure for Appointment of New SFLAC members.

Discussion continued regarding appointment of new members. It was noted that the relevant statute (ORS 3.436) requires the Chief Justice to “consider the diversity of this state in appointment the members of the statewide advisory committee.” It was also agreed that it would be important to emphasize invitations to additional attorneys to strengthen the liaison with the Oregon State Bar, and to get the “consumer” perspective from a legal aid member. It is possible that terms be “staggered” such that one-third of the SFLAC membership was replaced every two years. A suggested protocol was to gather names of prospective members by taking nominations at SFLAC meetings. One suggestion was received that the discussion extend to selection of the SFLAC Chair, in addition to members. The discussion will be continued at the next meeting.

NEW BUSINESS:

The OJD will be sponsoring two trainings funded by a Parental Access and Visitation (PAV) Grant awarded to the Oregon Child Support Program: (1) Advanced Training for OJD Courthouse Facilitators, and (2) High Conflict Parent Divorce Education and Curriculum, to be held on September 17 and 18, 2002, in Salem OR.

HANDOUT:

- Training brochure (yellow)

The next meeting is scheduled for December 6, 2002, at the Multnomah County Juvenile Justice Center, from 1:00 - 4:00 p.m..

The meeting was adjourned by Hon. Paula Brownhill at 3:45 p.m.

Respectfully submitted,

BEALISA SYDLIK
OJD Family Law Senior Policy Analyst

List of Attachments and Handouts for August 02, 2001 Meeting:

- Conference Evaluation Compilation Summary (Purple)
- 3-page Report from Court/Agency Child Support Committee dated 8/2/02 submitted by Hon. Maureen McKnight (white)
- Memorandum to SFLAC Members from Ed Vien and David Hakanson dated 6/13/02
- Copy of ORS 107.425 (goldenrod)
- Training Brochure (yellow)

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