

**MINUTES  
SFLAC MEETING  
MULTNOMAH COUNTY JUVENILE JUSTICE CENTER  
PORTLAND, OREGON  
December 7, 2001  
(1:30 p.m. - 4:00 p.m.)**

The meeting was called to order by Hon. Dale R. Koch, Chair at 1:42 p.m.

**Present:** James L. Adams; Stephen Adams; Kate Barkley; Hon. Paula Brownhill; Ramona Foley; Hon. William J. Howe III; Sharon James; Maureen McKnight; Sandra Purnell; Linda Scher; Lorah Sebastian; Hon. Robert Selander.

**Absent:** Bob David; Hon. Terry Leggert; Ernest J. Mazorol III; Hugh McIsaac.

**Guests present for all or part of the meeting:** Sherri Smith; Kathy McLoughlin; Karen Olson; Grafton Sterling; Diana Avery; Jean Fogarty; Michelle Wallace.

**State Court Administrator (SCA) Staff:** Alice Phalan, BeaLisa Sydlik, Kristen Magis; Twyla Poppleton

**CONSENT CALENDAR:**

**Minutes:** Minutes of the October 5, 2001 meeting were read and approved pending changing the spelling of David Kenagy's name on page 3 of the Guest Presentation.

**SUBCOMMITTEE REPORTS:**

**Family Law Conference:** Hon. Robert Selander reported that there was a draft agenda for the Conference, the theme of which is *Breaking Barriers, Bending Boundaries, Building Bridges* and that ten workshops had been selected for presentation, some of them a combination of two or more proposals which had been received on related topics. Due to the pending budget crisis in the state, it is anticipated that registration, particularly from the courts, will be down. Additional funding is being sought. Grafton Sterling of *Oregonians for Family Law Reform* indicated that entity would contribute \$500 to facilitate attendance at the conference for those who cannot afford the registration fee. Bill Howe states he would ask his law firm about sponsorship of the honorarium for the keynote speaker, Dr. Isolina Ricci. The Seventh District local FLAC should be invited to attend the SFLAC meeting in advance of the Conference on April 5, 2002.

**HANDOUTS:** First Draft Agenda - Third Annual Statewide Family Law Conference (White)  
Selected Workshop Proposals (Yellow)

**Legislative Subcommittee:** Chair Hon. Dale Koch reported his attendance at the Presiding Judges-Trial Court Administrators meeting in November, and the gloomy forecast of budget cuts in all state departments with an anticipated 6-7% budget cut in the Oregon Judicial Department. There will be a “special session” in January or February 2002 with all branches being asked to submit proposed budget cuts of up to 10% with 2% increments. Constitutionally, there can be no reduction concerning the numbers of judges or their salaries mid-term; thus cuts will most likely be made in staff resources. Judges placed the highest priority for continued funding on personal felonies, children in the juvenile sector, family law, domestic violence, and integrated treatment and drug courts. Alice Phalan noted that the family court positions which received permanent funding last Session are nevertheless new and may be subject to budget reductions. Ramona Foley stated there would be budget hearings for OJD and the Department of Human Services (DHS) during the upcoming week. DHS caseloads have increased from 300 to 500 per month due to the recession. Hon. Dale Koch noted that budget cuts will most likely carry through into the next biennium.

**Domestic Violence Subcommittee/Curriculum Subcommittee:** Maureen McKnight reported that all of the regional domestic violence trainings for 2001 had been completed and the curriculum committee is in a “recovery” period. A report is being prepared and will be available by the next SFLAC meeting. Members of the subcommittee will be working with the Safety Focused Parenting Plan Workgroup. The subcommittee continues to research address confidentiality programs. In addition, the subcommittee is working on preparing a form of order for contested FAPA proceedings which are Brady-compliant. The subcommittee will be preparing a short document to accompany new model nondisclosure forms, assisting courts and facilitators with advising court customers in their use.

**Parenting Plan/Custody Evaluation Subcommittee:** Sharon James proposed that this subcommittee be renamed and reconstituted. Possible names include “Court Services Subcommittee” or “Family Court Services and Programs Subcommittee.” The subcommittee would, amongst other tasks, assume responsibility for the SB 167 guidelines. Sharon James will propose a list of possible members at the next SFLAC meeting. Jim Adams proposed that another possible task for this subcommittee would be developing evaluation and data collection tools so that the value of court programs and services can be demonstrated. Discussion ensued about data collection and evaluation efforts with the OJD Family Law Facilitators and in Legal Aid *pro se* classes. It was agreed that outcomes and measures for family law programs and services were important to demonstrate to the Legislature in a legislative session that they are valuable and effective. Members are to contact Sharon James for suggestions of possible members for the reconstituted subcommittee. Alice Phalan indicated a willingness to work with Jim Adams on developing outcomes and evaluation measures and the two will present a specific proposal at the next SFLAC meeting.

**Safety-Focused Parenting Plan Work Group (SFPPWG):**

This group will hold its first meeting in January and report at the next SFLAC meeting.

**Future’s Subcommittee:**

Bill Howe stated that, once finalized, there will be a press release made to the public about the final report. The final report will be submitted to the Family Court Review, the journal of the Association of Family and Court Conciliation. Bill noted that the cover page currently indicates the authors of

the report to be the Oregon Judicial Department and the SFLAC. The SFLAC determined that the Futures Subcommittee need not be separately indicated on the cover page. The need for a few editorial changes was noted; all changes were to be conveyed to Bill Howe by Friday, December 14, 2001. BeLisa Sydlik, webmistress for the OJD Family Law Website, inquired where on the site the SFLAC and subcommittee would like the final report to appear. It was recommended that a link be provided on the website's home page, and that a separate web page be created to "house" the report. Bill Howe will prepare a brief introduction for the web page. Judge Koch thanked everybody on the Future's Subcommittee for their work, initiating a hearty round of applause.

HANDOUTS: Final Futures Report (Green)  
OJD Family Law Website (Pink)

**Court/Agency Child Support Coordination Subcommittee:** Maureen McKnight and Jean Fogarty presented on behalf of Bob David, Chair of this subcommittee. The proposal of the Records Management Workgroup regarding judicial and administrative support orders was presented to the Program Committee of the Oregon Law Commission on November 19, 2001. It was very well received. The Program Committee will be recommending to the full Commission that a work group be created to investigate the issues. The SFLAC reviewed and approved a proposed "Supplement to Revised SFLAC Proposal" which provides a detailed articulation of the proposed work group's scope of work and which was requested by Hardy Myers, Chair of the Program Committee.

HANDOUT: Letter dated 12/7/01 to Program Committee re: Supplement to Revised SFLAC Proposal

Maureen McKnight reported that the Records Management Workgroup is currently without a chair and last met on November 10, 2001 where members revised the original work plan. The task of working on the Family Violence Indicator was transferred to the Education Workgroup as a priority task. The workgroup proposed that the Support Order Abstract form required by UTCR 8.030 be deleted and authorized Maureen McKnight to prepare a draft letter from the SFLAC suggesting it be deleted. Discussion ensued regarding the history for the form; it precedes ORCP 70. Jean Fogarty noted that deletion of the form was consistent with the Oregon Law Commission's Judgment Revision Workgroup's focus. Sharon James inquired about the practice of attaching parenting plans to administrative support orders; this topic will be placed on the agenda for the next Records Management Workgroup meeting.

Maureen McKnight reported that the Education Workgroup last met on November 13, 2001. It has finished its review of a document to be distributed to courts and facilitators providing an overview of the child support program and related child support information. The workgroup will be collaborating with the Child Support Program on a workshop at the Third Annual Family Law Conference. The workgroup is also educating itself on the Parent Locate System and the complex issues surrounding federal and state requirements and procedures. The workgroup also hosted a discussion which has spurred a spin-off group of representatives from the Oregon State Bar, the Oregon Judicial Department, Legal Aid Services of Oregon and the Division of Child Support to meet and discuss the provision of resources to unrepresented litigants, particularly over the Internet.

BeaLisa Sydlik reported that the Parental Decisions Workgroup had submitted its final report to the full subcommittee, which the subcommittee will consider at its next meeting on January 11, 2002.

HANDOUTS: Proposed Letter to Bradd Swank, UTCR Reporter re: Advisability of Deleting the Support Order Abstract.

**OLD BUSINESS:**

Farewells and expressions of appreciation were extended to departing member, Dr. Lorah Sebastian, who was presented with a plaque acknowledging her service to the SFLAC since 1998. Dr. Edward W. Vien will assume her position on the SFLAC effective January 1, 2002.

There was discussion about whether there should be a more formal process to replace SFLAC members. Chair Koch noted that the Chief Justice appoints new members. Discussion included whether new membership ideas should be solicited from SFLAC at large and whether there should be a finite term of membership. Judge Koch indicated it might be uncomfortable to discuss membership at public meetings but that a process for soliciting input would be appropriate and useful. It was suggested that a possibility would be to solicit feedback on prospective new members on an informal basis from subcommittee chairs. It was also suggested that the CCJSD/SFLAC keep a file on persons with continuing interest in membership. Another suggestion was to look to the member leaving to suggest a replacement. There will be further discussion of this at future SFLAC meetings.

**NEW BUSINESS:**

Judge Koch expressed his appreciation that representatives from the 7<sup>th</sup> Judicial District had been attending recent SFLAC meetings. Judge Koch noted that Hood River is the location of the upcoming Conference and that the SFLAC was very much looking forward to holding it at that location.

Sharon James, conveying a request from the Association of Family Court Services, asked that the SFLAC consider the impact of any legislative concepts which would transfer authority over the mediation filing fee revenue from the county to the courts to operate the domestic relations mediation and other services. Jim Adams requested that this discussion be delayed until he had more time to research separation of powers issues he believes are implicated.

The SFLAC considered a letter from Hon. Cameron F. Wogan dated October 16, 2001, written originally to the Oregon Law Commission but later referred to the SFLAC regarding use of words "visitation" and "parenting time" in statutory language. It was noted that the word "visitation" had been changed in statutes pertaining to domestic relations but that it remained in the law pertaining to third parties (e.g., psychological parents, grandparents, etc.). Judge Koch indicated he would call Judge Wogan to get clarification of his concerns and that matter would be further discussed at the next SFLAC meeting.

The next meeting is scheduled for February 1, 2002, at the Multnomah County Juvenile Justice Center.

The meeting was adjourned by Hon. Dale Koch at 4:00 p.m.

Respectfully submitted,

BEALISA SYDLIK  
OJD Family Law Senior Policy Analyst

**List of Attachments and Handouts for December 7, 2001 Meeting:**

- First Draft Agenda - Third Annual Statewide Family Law Conference (White)
- Selected Workshop Proposals (Yellow)
- Final Futures Report (Green)
- OJD Family Law Website (Pink)
- Letter dated 12/7/01 to Program Committee re: Supplement to Revised SFLAC Proposal
- Proposed Letter to Bradd Swank, UTCR Reporter re: Advisability of Deleting the Support Order Abstract

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