

MINUTES
STATE FAMILY LAW ADVISORY COMMITTEE
June 4, 2010
12:30 p.m. to 4:30 p.m.

Citizen Review Board Office
Portland, Oregon

Members Present: Hon. Paula Brownhill, Jim Adams, Stephen Adams, Jean Fogarty, Hon. Maureen McKnight, Rebecca Orf, Robin Selig, Chris Walls

Members Absent: Bill Howe, Margaret Olney, Dr. Ed Vien, Ernie Mazorol, Lauren MacNeill, Russell Lipetzky, Hon. Keith Raines, Linda Scher

Staff: None

Minutes: March minutes were not approved due to lack of a quorum.

SUBCOMMITTEE REPORTS:

Domestic Violence (DV) Subcommittee—*Robin Selig*

The subcommittee has met twice since March and will meet again in July. They completed the brochure for the Firearms and Domestic Violence Task Force. It will be translated into Spanish.

Rebecca Orf will chair a group to work on the OJD Domestic Violence web pages. They will redesign the format and update the content. It is slow going because there is a lot of work to be done. It is a good group and they meet regularly. They have updated the list of court facilitators.

The subcommittee is helping Judge McKnight with materials for a regional training for judges in August 2010, and they reviewed the arraignment script for OJD's arraignment video. They will not start additional projects until the website is done.

Rebecca Orf reported that eight Oregon judges went to the National Judicial Institute on Domestic Violence training. The annual Conference of State Court Administrators will be a Domestic Violence Summit this year. Becky, Leola McKenzie, and Judge McKnight will comprise the Oregon team.

It was reported that Judge Deanne Darling issued an opinion that held the EPPDAPA statute unconstitutional on its face. Judge McKnight asked if we could obtain a copy of the opinion. Judge Brownhill will contact Judge Darling.

Court/Child Support Agency Child Support Coordination--*Jean Fogarty*

The subcommittee reviewed the public child support calculator enhancements. The enhancements rolled out this week. The calculator is easier to navigate and less complex. Jean will provide training to the bench and bar and will do a Legal Aid training in July. She will train in Douglas County, she will present at the OLI Family Law Conference, and she will present at the Oregon State Bar Family Law Conference.

Jean is working on a judicial webinar training with Judge McKnight to be presented on June 29, 2010. Judges can be at their computers, which reduces the cost of the training considerably.

The Task Force on Family Law Forms and Services (Tiffles) met on June 11, 2010. Jean Fogarty and Judge McKnight are on the Task Force. Things are moving quickly. They are exploring vendors for interactive forms. They will report to the Chief Justice on "who and how" regarding interactive forms.

The subcommittee has discussed the proposal for an OJD child support position. The subcommittee is aware that OJD may not have matching funds. Judge McKnight brainstormed with Ernie Mazorol and Jim Adams. Jim explained that courts at the local level are trying to conserve resources for a rough 2011-13. He would like ETSD to fund a forms administrator, and he has spoken to ETSD director Bryant Baehr about this possibility. There is potential grant money to help pay for a position.

The legislature will face difficult cuts due to declining revenues. Rebecca Orf reported that OJD may be required to cut 9% for 2009-2011, and more cuts are on the horizon for OSCA. She explained that OJD cannot provide a match for the child support funds at this time. Judge McKnight hopes eCourt funds can help with interactive forms.

Jim Adams agreed that we are behind on forms development, and currently we don't have the forms needed for full eCourt implementation. Becky Orf reported that OJD will contract with Russ Lipetzky to update family law forms to make the Confidential Information Form (CIF) changes and the necessary child support changes. Judge McKnight said Elizabeth Vaughn started work on the child support piece, and she will send her information to Russ.

Judge McKnight and Jean Fogarty will continue work on a proposal and will consult with Ernie Mazorol and Jim Adams before going forward.

Self-Representation –*Judge McKnight*

This subcommittee meets monthly. Their focus has been to support and plan around Tiffles and work on the OJD self-represented web pages. They are waiting on changes to the Code of Judicial Conduct before moving forward on court support for programs.

Work on the website has been slow because the main focus has been on Tiffles. The Oregon State Bar representatives would like to move on interactive forms by October 2010. Tiffles is looking at Turbo Court, Access to Justice/Law Help Interactive, and Thunderhead. Vendors will present at the July 16, 2010 meeting. The subcommittee is helping with strategies, vetting concepts, and doing some of the research.

Legislative Subcommittee – *Russ Lipetzky*

Russ Lipetzky provided a report in writing about the Oregon State Bar Task Force on Court Fees.

Parental Involvement Work group – *Robin Selig for Linda Scher*

This group has met once so far, and the meeting was chaired by Linda Scher and Ed Vien. There are eleven people in the work group. The group conducted a round table discussion at the first meeting.

The plans are to:

1. Draft a position paper on joint custody and the development of child-focused parenting plans.
2. Look at education for parents, judges and lawyers.
3. Plan outreach.

The work group will provide some clinical research on the impact of joint custody on children.

Jean Fogarty hired Kate Richardson, who was on the Governor's Executive Committee. Kate is part of the Oregon State Bar work group. University of Oregon Professor Leslie Harris wrote recommendations/solutions for the bar group. Robin Selig believes it is a good idea to coordinate with the bar group.

Judge McKnight mentioned that the Division of Child Support may have Access and Visitation grant money available. Jean Fogarty will keep SFLAC posted on the plan for those funds.

Stephen Adams said that Oregon's veto power over joint custody is virtually unique. He would like to know if the work group will fully address ORS 107.169 (court shall not order joint custody unless both parents agree) and whether it should continue. Robin Selig said the group will analyze the joint custody statutes globally.

EPPDAPA Work Group – *Judge Raines*

Judge Raines submitted his report by email prior to the SFLAC meeting.

SFLAC MEMBERSHIP

Stephen Adams strongly endorsed Judge Roxanne Osborne from Klamath Falls to fill a judicial position on the SFLAC. She has considerable interest in family law, she is from an under-represented geographical area, and she is a very experienced judge. Videoconference and telephone capabilities will help with the distance.

Ernie Mazorol and Jim Adams will discuss trial court administrators who may be able and willing to replace them on SFLAC when they retire.

UNIFORM SUPPORT AFFIDAVIT

Robin Selig said the SFLAC issue with the Uniform Support Affidavit is not with the form, it's the process. Substantive changes were helpful to protect some sensitive information, but it doesn't protect all of the information that may be revealed on the USA (soon to be USD). The SFLAC proposal is still good but we need to address Judge Thompson's concerns with those courts that determine prejudgment relief on affidavits rather than in hearings.

Jim Adams will query the TCA Listserv to determine which courts decide prejudgment relief by affidavit rather than in hearings. Robin Selig will talk to Judge Thompson and see if they can strategize solutions. Judge McKnight mentioned that the Law and Policy Committee may recommend the use of exhibits for sensitive information, which would make this moot. She suggested we put the issue on the Child Support subcommittee and DV subcommittee agendas so it does not fall through the cracks. SFLAC members should think about possible solutions. We will discuss it further at the September SFLAC meeting.

eCourt and Family Law

eCourt implementation is moving forward. The Law and Policy Committee is reviewing the Domestic Relations Work Group recommendations. It appears that there will be free or low-cost access to all domestic relations filings by Oregon State Bar members unless the information is otherwise confidential.

Some areas that are being addressed:

- Policies must not conflict with federal VAWA restrictions
- Statements of assets/debts may need to be restricted
- Uniform Support Affidavit/Declaration may need to be restricted
- Adoption files are confidential

Robin Selig reported on the Redaction/Segregation work group and UTCR 2.100 changes. She said new UTCR 22 will address how information will be protected in eCourt.

Jean Fogarty would like an eCourt organizational chart. Judge McKnight will seek such a chart and will send it to all SFLAC members.

Consistency Committee – Judge McKnight

Judge McKnight reported that the eCourt Consistency Committee is looking at what should be consistent throughout the courts and where there can be flexibility. This will assist the vendor when a vendor is selected and should help to keep costs down. Judge McKnight, Judge Brownhill, Jim Adams, and Ernie Mazorol are on the Consistency Committee. A full report is due out in July.

The Committee started with the recognition that two groups of people will access eCourt: 1) professionals and 2) non-professionals. Interactive forms are necessary for eCourt to work, especially for the non-professionals who use eCourt. OJD will have about six months (maybe less) to decide if courts will take the lead on interactive forms; otherwise the Oregon State Bar will develop interactive forms and sell them online. The Bar may be ready to move on forms as early as October 2010.

Jim Adams believes universal support for interactive forms is needed. He is frustrated that OJD doesn't have a forms person on board yet, but he thinks ETSD will hire a forms person before January 1, 2011. Washington County already has contracted with TurboCourt to develop forms for small claims.

Budget update

James Adams had dinner with Jackson County's legislative delegation three weeks ago. The revenue forecast looked gloomy then, and it is not getting better. A special session is a possibility. There are four more revenue forecasts in this biennium. Additional cuts to OJD programs and staff are possible.

SFLAC Website-

Judge Brownhill has been working on OJD Family Law website updates and is almost finished with the SFLAC site. She hoped to post LFLAC information and minutes, but only one LFLAC chair responded to her inquiries. She created a list of LFLAC chairs and contact information to place on the SFLAC site, but it will be difficult to keep it up to date. We could direct users to local court websites for LFLAC information or list LFLAC chairs or both. Recommendation: direct users to local court websites.

The Website Workgroup approved a new design of the Family Law pages. It will include a link to Family Law Topics on the left-hand menu rather than listing the topics there. Various topics will be listed when a user clicks on that link. Topics also will be listed on the Family Law home page. Some of the topics include parenting plan information, child support, domestic violence, parent education. Recommendations: use the Family Law Topics link. Include general information but do not get too specific. Consider linking to other sites (such as Oregon State Bar) so we don't have to create as much new content.

Judge Brownhill met with Kelly Cross from ETSD in Salem. Kelly said there are approximately 82 broken links on the Family Law web pages. Clatsop County's data tech Brad Kane will work with Judge Brownhill and Kelly Cross to make changes to the web pages. ETSD director Bryant Baehr approved Brad to do this work, and Brad has agreed. Brad will not work on forms; forms updates will continue to be coordinated through OSCA.

Judge Brownhill asked court facilitators to help update the Parenting Time Enforcement chart. Many of its links are broken. She has received many responses and will make the updates as soon as she can. Recommendation: do not link to each county's

parenting time enforcement documents; link to each court's website or to model forms so updates will not be necessary.

The DV Subcommittee is updating the Domestic Violence web pages. The Self-Representation Subcommittee is working on the Self-Represented web pages. The Court/Child Support Agency Subcommittee will help with the Child Support page. Linda Scher has done a great deal of work on the Parenting Plan pages. Judge Brownhill is working on a list of Legal Terms and Definitions and will send it to SFLAC members for comments. She will write content for some of the other topics (Dissolution, Adoption, Paternity), and she will need the help of all SFLAC members to refine and revise the information.

Confidential Information Form Update-*Robin Selig*

The Confidential Information Form (CIF) work group is looking at September 1, 2010 as the implementation date. The work group is assisting with implementation issues. They would like implementation to go much smoother than the original CIF implementation in 2009.

The group is working on Frequently Asked Questions. By August of 2010 there will be instructions for self-represented persons to go with the forms. There is a need for training for court facilitators. Rebecca Orf said OSCA has equipment to create and coordinate webinars, and the cost is minimal. Judge McKnight said it is difficult to get facilitators to the same place at same time so a webinar is the best means to train them. She will work with Robin on a CIF webinar. Jean Fogarty added that they can produce a DVD from the webinar and send out to the courts.

Robin Selig said they will continue to work on training and implementation issues. She mentioned that Elizabeth Vaughn has been very helpful.

Jean Fogarty says she will get word out to Oregon State Bar that it is coming. She said that Judge Murphy may put it in August edition of the Family Law Newsletter.

September SFLAC Meeting

The September 10, 2010 SFLAC meeting is scheduled in Salem so the Chief Justice and Kingsley Click can attend. Judge Brownhill invited Don Gordon to speak on latest developments in parent education. All members agreed that we must make our time with the Chief Justice and Kingsley Click the top priority. Stephen Adams suggested that we make Don Gordon contingent on the Chief and Kingsley's participation.

SFLAC members expressed concern about the technological drawbacks of meeting at the CRB conference room in Portland. We can use telephone conference equipment or videoconference equipment, but not both. Judge Brownhill had to choose one for this meeting: Bill Howe by telephone or Jim Adams and Becky Orf by videoconference. Stephen Adams cautioned that we should look carefully at the limitations and try to figure out a solution.

Meeting adjourned at 4:30 p.m.