

**MINUTES  
SFLAC MEETING  
HOOD RIVER INN  
HOOD RIVER, OREGON  
April 5, 2002  
(12:00 p.m. - 3:00 p.m.)**

The meeting was called to order by Hon. Dale Koch at 12:00 p.m.

**Present:** Hon. Dale Koch; Hon. Paula Brownhill; Hon. Robert Selander; Hon. Maureen McKnight; Bill Howe; Stephen Adams; Dave Hakanson; Sharon James; Ernie Mazarol; Cindi Chinnock; Linda Scher; Alice Phalan; Bealisa Sydlik

**Absent:** Jim Adams; Ramona Foley; Kate Barkley

**Guests present for all or part of the meeting:** Hon. Ronald Pahl; Hon. Janet Holcomb; Hon. Paul Crowley; Chuck Wall; Chris Walls; Kathy McLoughlin; Grafton Sterling; Kristy Hagy, Gary Dale; Layne Barlow; Dan Dennehy; Karen Olson; Ann Dickerson

**Minutes:** The February 1, 2002 Minutes were read and approved.

**SUBCOMMITTEE REPORTS:**

**Annual Conference Planning Subcommittee:** Bealisa Sydlik reported on the Third Annual Family Law Conference being held in conjunction with the April SFLAC meeting. Summary statistics for the conference were presented. Current registration as of the day of the conference was 152 paid registrations, 28 unpaid, total 180 registrations. The number of persons signed up for each workshop were noted, as well as the number in each category of registrant participant. Current budget figures show the conference will be paying for itself. A copy of the Audio Recording and Digest Order Form was distributed.

**HANDOUTS:**

- Summary of Conference Statistics (Budget and Registrations) - green front and back sheet
- Audio Recording and Digest Order form - orange front and back sheet
- Registration List (Last Updated 3/21/02)

**Domestic Violence Subcommittee:** Hon. Maureen McKnight reported that this subcommittee has completed an informational document entitled “Confidentiality of Personal Information: A Guide for Facilitators” which will accompany the new Nondisclosure of Personal Information forms. The Guide and Forms have been sent to Kingsley Click for review and approval.

The subcommittee is still working on a briefing paper which will summarize its research on “address confidentiality programs”, and discuss the pros and cons thereof; as well as summarize the “state of the state.”

It is also near completion on its work to develop a model form for Orders After Contested FAPA Hearings which can be easily identified as “Brady-compliant,” i.e., meeting the requirements of the federal gun laws [18 U.S.C. Section 922]. Judge Koch said he had attended a gathering of U.S. Assistant Attorney Generals in Portland and reports that the U.S. Attorney General’s Office will more actively prosecute weapons offenses and violation of restraining orders that qualify for federal prosecution. Apparently, the U.S. Attorney General’s Office is no longer insisting that the Respondent potentially subject to federal gun dispossession laws actually appear at a contested FAPA hearing; rather, it is sufficient that notice be given and a hearing be held, regardless of whether the respondent shows or not.

Hon. Maureen McKnight announced her retirement as “acting chair” of the Subcommittee and was thanked for her exemplary work on the Subcommittee. She will continue to remain on the Subcommittee’s e-mail list and will attend meetings as her new judicial schedule permits. Kate Barkley and Sybil Hebb are the new co-chairs of the Subcommittee and will take over at the next meeting on April 17, 2002.

Alice Phalan announced that the Spring Mediator Institute on Domestic Violence Practices in Mediation will be held on May 17, 2002 in Eugene. The training is co-sponsored with the Oregon Association of Family Court Services and the OJD’s Court Community Justice Services Division. There has not been an advanced training for mediators in the last four years. There are more than twenty people presenting. Court-connected mediators are amongst the invitees.

Ernie Mazarol reported that the National Center for State Courts is investigating the question of whether or not criminal cases such as domestic violence cases, should be in family court. Representatives from Maryland and Arizona will be coming to Bend to meet with the defense bar, judges, and court staff. NCSC will be looking at the disposition of domestic violence cases as compared to non-domestic violence cases.

**Legislative Subcommittee:** Hon. Terry Leggert reported. Another special session is expected in late May or early June. Judge Selander reported that Clackamas courts are closing Fridays all day and from 10:00 a.m. to noon every other day. Ernie Mazarol said that issues facing legislators include \$167-180m in the federal relief fund; cut backs in education; separation of powers issues; and upcoming May forecast. He said that it is being said it will take Oregon years to recover and that a \$5-6 million shortfall is predicted. The budget crisis is expected to worsen. He emphasized a continued commitment to keep family courts, drug courts and facilitation programs going. Judge Crowley reported that the 7<sup>th</sup> Judicial District is not cutting back on hours of operation. Alice Phalan reported that two courts have given up their facilitator positions, and that 8-10 courts had “family court specialist” vacancies which the courts could have filled last July but, predicting the budget crisis, chose to keep them vacant.

**Safety-Focused Parenting Plan Work Group (SFPPWG):** Sharon James reported that this group had hoped to have an initial draft of the Safety Focused Parenting Plan Guide for the Parenting Plan Workshop at the 3<sup>rd</sup> Annual Family Law Conference. The group has met in person twice and grappled with many issues. She anticipates the initial draft will be completed in 30 days.

**Future's Subcommittee:** Bill Howe reported that the Subcommittee's Report will be published in the October Issue of the Family Court Review. He is receiving e-mail requests for copies of the report.

**Court/Child Support Agency Coordination Subcommittee:** Cindi Chinnock, DOJ's Division of Child Support Administrator and future Child Support Program (IV-D) Director, as well as new SFLAC member, reported. She is assuming Bob David's position on the SFLAC. She explained that during last legislative session, a budget note had issued requiring exploration of the advisability of bring Child Support Program operations over to the Department of Justice's Division of Child Support. Attorney General Hardy Myers and DHS Director Bobby Mink came to an agreement that just such a move was advisable. On March 12, 2002, an Interim Judiciary Committee was formed to move forward with transitional issues as soon as possible. The benefit of this consolidation is that all child support operations are together in a single location with a central focus, with the ability to respond to the public's needs more effectively. The goal is to have an Interagency Agreement in place by July 1, 2002. Cindi will become the Child Support Program Director. It is possible to get on a mailing list for news of the progress of the interim steering committee.

Cindi Chinnock and Hon. Maureen McKnight are co-chairs of the newly reformed CCSA Coordination Subcommittee. The three workgroups will be consolidated into the main subcommittee.

Hon. Maureen McKnight reported on the work of the Oregon Law Commission's Workgroup on Judicial v. Administrative Support Orders. There have been two meetings, chaired by Sandy Hansberger, faculty member at Lewis & Clark Law School, and supervising attorney at the Lewis & Clark Legal Clinic. The group has reviewed federal law and is discussing whether a state registry of all child support orders which would advise judges, attorneys and others whether there is a pre-existing child support order is feasible and advisable.

Hon. Maureen McKnight also reported that she will be appearing on behalf of the SFLAC before the UTCR Committee at its Spring Meeting on April 26, 2002, to advocate for the deletion of the requirement in the rules for a Support Order Abstract, a form which none of the courts were using any longer it appears.

### **OLD BUSINESS:**

**UTCR Committee:** Linda Scher reported that a sub-group had developed a draft letter to Bradd Swank, UTCR Committee Reporter, regarding the proposed rule changes with respect to standardized parenting plans in the supplemental local rules. The letter was submitted to the SFLAC for review and approval, which was granted. The letter will be finalized and submitted in the following week, and the sub-group will appear at the April 26, 2002 spring meeting of the UTCR Committee to respond to questions or concerns raised by the letter.

HANDOUT: Draft letter to Bradd Swank dated April 5, 2002, re: "Conditionally Approved Proposal #9 and Conditionally Disapproved Proposal #11"

**SB 167 Subcommittee:** Sharon James reported that SB 167 contained language advising presiding judges to take under advisement any guidelines for qualifications developed by the SFLAC for service providers such as custody evaluation panels, parent coordinators, and supervised parenting time programs. The original proponents of the bill had wanted qualifications written directly into the statute but it was determined to be better practice and would allow more flexibility for change if qualifications were not a part of the authorizing law. This is a separate and distinct issue from how mediation and conciliation fees can be managed or used. Sharon advised that Hugh would be interested in being on such a subcommittee, were one formed. Alice Phalan advised there is no OSCA personnel currently available to staff such a subcommittee.

Ed Vien volunteered to do some front end investigation into the statutory requirements and the scope of work which might be undertaken by such a subcommittee. The SFLAC will discuss the advisability of a new subcommittee at its next meeting.

#### **NEW BUSINESS:**

**Future SFLAC Meetings and Staff Support:** Alice Phalan reported that, in light of the current budget shortfall, the CCJSD cannot continue to fund and provide SFLAC staff support for bi-monthly meetings. The State Court Administrator, however, remains committed to the continued existence of the SFLAC. It has been proposed that meetings take place quarterly rather than bi-monthly. Judge Koch supports this change.

The remaining 2002 SFLAC meetings will be on August 2, 2002 and December 6, 2002 at the Multnomah County Juvenile Justice Center. Discussion was had as to whether meetings should be of a longer duration. Judge Koch will look into the availability of the meeting room at the Multnomah Co. Juvenile Justice Center for meetings to commence at an earlier time.

Bill Howe conveyed his appreciation to Chief Justice Carson, Kingsley Click, Alice Phalan, and BeaLisa Sydlik for their input and their support of the SFLAC.

**Next Meeting:** The next meeting will be on Friday, August 2, 2002. Starting time will depend upon availability of the conference room. Future meeting dates and times will be posted on the SFLAC website (<http://www.ojd.state.or.us/familylaw>) and e-mailed to members in advance of the August meeting.

The meeting was adjourned at 3:00 p.m.

Respectfully submitted,

BEALISA SYDLIK  
OJD Family Law Senior Policy Analyst

**List of Attachments and Handouts for April 5, 2002 Meeting:**

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