

**MINUTES
SFLAC MEETING
MULTNOMAH COUNTY JUVENILE JUSTICE CENTER
PORTLAND, OREGON
December 5, 2003
(1:30 p.m. - 4:00 p.m.)**

Members present: Hon. Paula Brownhill; Hon. Maureen McKnight; Hon. Terry Leggett; Stephen Adams; Ed Vien; Sybil Hebb; Linda Scher; Bill Howe; Ernie Mazorol; Sharon James; and Ramona Foley.

Absent: Hon. Robert Selander; Jim Adams; and Cindi Chinnock.

Guests present for all or part of the meeting: Alison Taylor, Jesse Larner, Sandra Purnell; and Kathy McLoughlin

OSCA Staff Present: BeaLisa Sydlik

CONSENT CALENDAR:

Minutes: Minutes of the September 5, 2003 meetings were approved as written.

SUBCOMMITTEE REPORTS:

Annual Conference Planning Subcommittee: *Bill Howe and Stephen Adams.* The Clatsop Family Law Conference in September 2003 was “standing room” only. If conferences cannot be done statewide, the Clatsop conference represents a feasible paradigm for doing them on a regional basis. The Chief Justice spoke at noon. Possible 25% of attendees were from outside Clatsop County. Hugh has offered to help organize future regional conferences. Ramona mentioned that DHS’s local staff loved having an event “come there.” Tying the community college into the process relieved a lot of pain and grief, and they were mutually appreciative of being associated with a LFLAC event. It was decided that the SFLAC would invite another local FLAC to have a regional conference next year. **Bill Howe, liaison for the Hood River LFLAC, will discuss this possibility with the Hood River LFLAC and report at the next meeting as to their response.**

Legislative Planning Subcommittee: *Hon. Terry Leggett, Ernie Mazorol, BeaLisa Sydlik.* The Budget Reduction Advisory Committee is considering a \$13 million, 11% reduction plan, in the event the tax increase is repealed by the public next February. Levels One and Two service reductions would be at the discretion of the local courts. Level Three cuts could involve statewide court closures. It may be possible to reach Level Three without closure if courts pool funds, and the OJD is considering pooling and every other cost-saving measure. Courts have until February 1, 2004 to develop budget reduction plans. Judge Leggett pointed out that the principal loss will be to FED’s, small claims and probate, any case type that is “just about money.” Child custody issues are *high* priority. However, there will be substantial fallout for children and families with respect to decreased or nonexistent drug and alcohol treatment and services.

The SFLAC role in preserving the family courts and facilitation programs was discussed. It was suggested that the SFLAC send a letter to the Chief Justice regarding the impact of budget reductions on families and children.

Judge Leggert distributed copies of DAS documents showing that only three program areas have grown in spending: K-5, Human Resources, and Public Safety.

HANDOUTS:

- Department of Administrative Services handouts re: General Funds by Program Area, etc.

BeaLisa Sydlik reported regarding implementation of legislation passed during the last legislative session. SB 801 provides for an automatic restraining order in every dissolution case and will be implemented by an out-of-cycle UTCR Rule. Other bills implemented by out-of-cycle UTCRs include HB 2277 (Certificate re: Pending Child Support Proceedings and Existing Child Support Orders), and HB 3015 (protection from public disclosure of social security numbers in dissolution proceedings).

HANDOUTS:

- Draft Governing Child Support Judgment (HB 2645)
- Draft Certificate re: Child Support Judgments/Orders (HB 2277)
- Draft SB 801 Out-of-Cycle UTCR 2.100

Judge McKnight remarked on the success in Multnomah County of holding settlement conferences in appropriate domestic relations cases. Other judges are starting to use judge-facilitated settlement conferences with similar success.

Domestic Violence Subcommittee. *Sybil Hebb.* The subcommittee has created a brochure for distribution in courts and agency offices. The brochure identifies information that can be protected from public disclosure and the steps to take in order to request or obtain such protection. It will also be made available on the OJD Family Law Website, as well as other service provider websites.

A concern was expressed that the information provided under the “Public Bodies” section would place an undue burden on courts as a first recourse for protection of private information. It was agreed that the order of “bullets” should be reversed so that direct applications to the agency itself is the preferred and first method for obtaining protection. It was also suggested that, when the brochure is distributed to the courts, it should be linked to Bradd Swank’s memorandum re: procedures for keeping information confidential in public agencies.

HANDOUT.

- Tri-fold “Confidentiality Protections.”

Parenting Plans: *Linda Scher.* Linda introduced an issue on behalf of the Oregon Mediation Association - Family Mediation Interest Group. Issue = how to deal with persons who want to mediate but are subject to a restraining order? It was noted that some attorneys or mediators may be suggesting that people ask that the restraining order be dismissed in order to proceed with mediation. It was noted that some courts have drafted “local rules” providing exceptions to the terms of protective orders for the sole purpose of mediating non-protective-order issues. A statutory change to the FAPA statutes providing that attendance at court hearings are not a violation of a FAPA order may also be appropriate. It was resolved that the Domestic Violence Subcommittee would pick this

task/topic up for further discussion, including consideration of restraining orders other than FAPAs; e.g., no-contact orders in criminal cases. Judge Brownhill suggested that the Subcommittee look at the Clatsop County website for a sample of a mediation protocol where there are restraining orders in effect.

The Parenting Plan Outreach Workgroup has completed its most recent revision of the parenting plan forms and instructions in the “Basic Parenting Plan Guide” and the “Basic Parenting Plan Packet.” Some of the changes include providing more guidance regarding options for parenting time schedules other than just blank lines. Dave Hakanson did a large amount of research regarding other states’ schedules, which was helpful to the group. The provision regarding the number of overnights was removed after having received a lot of feedback that this was unnecessary and controversial. It was noted that the Child Support Agency offices will do the calculation for parents anyway. The definition of “Primary residence” was further refined. The Workgroup’s work for 2004 will be principally spent in outreach efforts. The Guides and Packet will be reviewed again at the end of 2004.

HANDOUTS:

- Guiding Principles
- Summary of Proposed Changes

The SFLAC provided feedback on the proposed revisions to the parenting plan forms and instructions. It suggested that the reference to the parenting plan terms having to “match” the provisions in the judgment should be deleted since there are some circumstances in which the provisions will differ or there will not be a “judgment.” The SFLAC gave the Workgroup authority to make further minor changes without requiring the approval of the SFLAC. The SFLAC approved the revised parenting plan form and instructions for submission to Kingsley W. Click.

Court/Child Support Agency Coordination Subcommittee: The Subcommittee has been unable to meet since the last SFLAC meeting in September. Two major substantive areas being worked on by the Subcommittee include: (1) the parent locate system and family violence indicator, and (2) finalizing the paperwork and process flow report. The Child Support Program has requested more time to distribute the draft report and consider feedback.

It was noted that the opportunity for two governmental entities to work together in unison within the subcommittee has resulted in some interesting observations about differences in structure and process in each of them. The Agency partner requires more initial development time on projects, while the courts require more time to implement them. Another difference is that the SFLAC subcommittees are “working” subcommittees that go beyond policy consideration and development.

SB 167 Guidelines Subcommittee: *Ed Vien.* The Subcommittee held its initial meeting today. Its members include Dave Hakanson, Leah Baer, Melissa Schuler, Hugh McIssac, Alison Taylor, and BeaLisa Sydlik. The group discussed core values and set up another meeting in February. Tasks have been assigned and sub-workgroups designated.

Futures Subcommittee: *Bill Howe.* Bill suggested that this subcommittee be retained only as a “Special projects group”, to be reconvened for the purpose of special undertakings. He requested that the “Back to the Future” report be added to the SFLAC Website. It was agreed that Subcommittee updates need not be included on regular agendas until the Subcommittee is reactivated.

OLD BUSINESS

- **Reimbursement for travel expenses.** The BRAC has mandated reimbursement for only one meeting a year for statewide committees at the present time. BeaLisa reported that the possibility of teleconferencing is not possible. Due to budget reductions, the teleconference phone was removed from the facility where the SFLAC holds its meetings. The SFLAC requested clarification as to whether the funds considered available by the BRAC for the one annual meeting could be “placed on the table” and used by the SFLAC to reimburse members for multiple meetings where some members decline reimbursement. The SFLAC discussed the need to meet quarterly and the quality of work done by the Committee. BeaLisa was asked to discuss this with Nancy Miller and Kingsley Click.
- **SFLAC Liaisons.** The SFLAC determined that the concept of “liaisons” was still a useful one. For example, the liaisons could contact LFLACs to inform them of the new parenting plan packet and new confidentiality brochure. BeaLisa will e-mail the LFLAC chair list to SFLAC members and update the Liaison List. SFLAC members will contact their respective LFLAC’s and report on their status at the next SFLAC meeting in March 2004. “Keep the flame alive.”
- **Center for Policy Research.** *Ernie Mazorol* reported that Deschutes County Circuit Court will be included in a two year study by the Center for Policy Research which will study and evaluate the effectiveness of integrated family court processes. The SFLAC welcomed the possibility that the principal researcher, Nancy Thoennes, might be able to attend the March 5, 2004 SFLAC meeting and speak further about her research and the study. Ernie Mazorol will extend to her the invitation on behalf of the SFLAC.
- **National Council of Juvenile and Family Court Judges.** *Stephen Adams* pointed out that the NCJFCJ has chosen Portland as the site for its July 2004 conference. The conference will entail a 4-day program including many workshops that the SFLAC might consider participating in. Judge Koch has been elected to rotate into the position of President in approximately 5 years. It was agreed that the SFLAC should write Judge Koch a letter offering congratulations and the assistance of the SFLAC in planning the conference program. Stephen Adams will prepare a draft letter for Judge Brownhill’s consideration and signature.

NEW BUSINESS

The next meeting of the SFLAC is Friday, March 5, 2004 at the Multnomah County Juvenile Justice Center.

Respectfully Submitted,

BeaLisa Sydlik
SFLAC Staff Support
OSCA Family Law Policy Analyst