

MINUTES
SFLAC MEETING
OREGON STATE BAR CENTER
LAKE OSWEGO, OREGON
February 2, 2001
(1:30 p.m. - 4:00 p.m.)

The meeting was called to order by Hon. Dale Koch at 1:40 p.m.

Present: Hon. Dale Koch, Stephen Adams, Kate Barkley, Hon. Paula L. Brownhill, Bob David, Ramona Foley, Emily Heilbrun, William J. Howe, III, Hon. Terry A. Leggert, Sharon James, Ernest J. Mazorol, III, Hugh McIsaac, Maureen McKnight, Linda R. Scher, Lorah Sebastian, Hon. Robert R. Selander.

Absent: James L. Adams.

Guests Present for all or part of the meeting: Grafton Sterling, Layne Barlow, Dan Dennehy, Doug Bray and his guest, Noriko Miyata from Tokyo, Japan, Kevin Aguirre.

State Court Administrator (SCA) Staff: Alice Phalan, BeaLisa Sydlik, Catherine Green, Tami Lamers, Hillary Berk.

Consent Calendar:

Minutes: Minutes of the December 1, 2000 meeting were read and approved.

SUBCOMMITTEE REPORTS:

Domestic Violence Subcommittee/Curriculum Subcommittee: Emily Heilbrun reported that this subcommittee has met twice by conference call since the last SFLAC meeting. They discussed the upcoming National Center of State Courts Full Faith & Credit Meeting, (in Seattle, Washington on February 21 - 23, 2001), and team participation. Emily stated that, as this is her last meeting, Maureen McKnight has agreed to serve as interim chair. Maureen reported that the Curriculum Subcommittee has met to determine the issues and materials to present during the domestic violence training seminars currently scheduled in four regions this year: March 13 in Eugene, July 13 in Baker City, September 11 in Portland, and September 28 in Medford. Judge Koch commented about the extensive involvement of judges around the state, thanking Maureen and the committee members for their work. There was discussion about making sure the materials presented at the trainings are gender-neutral.

Parenting Plan Work Group (PPWG): Lorah Sebastian reported that this subcommittee is focusing on developing parenting plan materials for the Family Law website, including age-appropriate developmental guidelines, a glossary, considerations in parenting plan development and a sample parenting plan form. Sharon James reported that the PPWG met recently to work

on final drafts of the group's work product. The PPWG expects to finalize its work within the next month and to circulate it for review and comments. The final product will be reviewed at the next SFLAC meeting on April 6, 2001.

Future's Subcommittee: Bill Howe reported that the latest draft of the Briefing Paper dated January 23, 2001 had been circulated to subcommittee members and others for feedback. Although the subcommittee has reached a consensus on the majority of the paper, there are some remaining issues, including sections on (a) restorative justice and (b) collaborative law. The subcommittee will have a conference call to consider all the comments/concerns, and prepare a revision to submit to SFLAC at the April 2001 meeting. Also, the paper will be reviewed by Alice Phalan and Hon. Pamela Abernethy, Chair of the OJD's Future of the Court Committee, for consistency with that group's objectives and work. Bill requested that the SFLAC committee members review the paper again and contact Hugh by March 1 with comments and/or concerns. Bill stated that he has been invited to Australia in April 2001 to speak about the family law issues in Oregon and would like to present the paper to that group. Bill thanked the subcommittee for their hard work and their good faith efforts in getting this paper completed.

Court/Agency Child Support Coordination Subcommittee: Bob David reported that the subcommittee has not met since the December 1, 2000 SFLAC meeting. However, the Education, Parental Decisions, and Records Management work groups have met separately. The issues the work groups are focusing on are difficult in that there are so many family and children programs available state-wide. Some of the issues the work groups are focusing on are: ensuring privacy of information, technologically interfacing information with courts and agencies, expediting judicial orders. Since the issues this subcommittee is working on are also covered by other subcommittees, there was a suggestion to invite members of the other SFLAC subcommittees to the meetings for input. Maureen McKnight also reported there is more child support interest and concern at the local FLAC level.

Bob also discussed four bills the Division of Child Support is tracking: Senate Bill (SB) 337 - requiring that notice of certain domestic relations proceedings be given to Department of Justice when support rights have been assigned to state; SB 338 - modifying provisions dealing with exchange of information when child support payments are made to Department of Justice; SB 339 - amending/clarifying rules relating to the distribution of support collections made by the Oregon Department of Revenue; and SB 340 - reducing amount of child support arrearage that triggers suspension of licenses, certificates, permits and registrations.

Annual Family Law Conference Subcommittee: BeLisa Sydlik reported that the Valley River Inn in Eugene is not available the first two weeks in April 2002 unless the conference is held either on Sunday and Monday, or on Tuesday, Wednesday and Thursday. BeLisa reported that she had been contacted by a sales representative of the Hood River Inn and there was general agreement that this would be a good location for the third annual conference. BeLisa will inquire as to that facility's availability the first two weeks in April. Judge Koch stated that the current members, with Hon. Robert Selander as chair, will continue to serve through the next conference. The SFLAC authorized the subcommittee members to confirm the date and location of the conference without further input from the SFLAC.

Legislative Subcommittee:

Judge Leggert reported that the continuation of the Family and Drug Court positions approved by the E-Board were in the co-chairs' budget released today. Judge Koch suggested that if any of the SFLAC members have an interest in or feels the SFLAC should take position on a bill, they should contact Judge Leggert or Alice Phalan.

Alice Phalan distributed the CCJSD Bill Tracking List by Bill Number, which is updated every other day. The CCJSD is assigned to track family law bills, mediation, and alternative dispute resolution bills. The OJD will track approximately 70% of the bills this session. Alice suggested that SFLAC members may be interested in receiving updated tracking lists via email on a weekly basis. Alice requested that SFLAC members interested in presenting testimony at bill hearings communicate with either Judge Leggert or her.

Layne Barlow reported on a pending reform package which is currently with Legislative Counsel. This package may include: creating a fast track appeal for child custody and support decisions; requiring a default parenting plan be provided in families when the parents are living apart; and creating a three-tier system based on dispute resolution for family law cases rather than court proceedings.

Maureen McKnight expressed concern about House Bill 2427, aka, the "Troxel" bill, which addresses the balance between constitutional rights concerning the upbringing of a child by parents vs. a third party. She pointed out that there are disparate burdens of proof in guardianship proceedings versus other proceedings to determine third party rights to custody or parenting time under the proposed version of the bill. Maureen also discussed HB 2531 concerning the implementation of confidentiality issues relating to custody and support directives, and recommended that the Domestic Violence Subcommittee look review this legislation.

Sharon James related that the Association of Family Court Services is concerned that HB 2339 may, in the future, displace funding for current mandatory family services in some jurisdictions. The hearing for this bill is scheduled for Monday, February 5, 2001, at 8:00 a.m., and Alice Phalan will testify. The OJD plans to prepare amendments which may address these concerns while supporting judicial discretion and local flexibility.

HANDOUTS: CCJSD Bill Tracking List by Bill Number
 Senate Bill 167 (LC 1711)
 House Bill 2339

NEW BUSINESS:

Discussion of SFLAC Goals and Workplan/Tasks for 2001: Judge Koch opened the discussion by presenting the question of whether the members preferred to establish new goals for the subcommittees or to continue with existing work plans; the members agreed on the latter. Judge Koch asked each chair to revise their subcommittee's workplan, summarize what the group has done in the preceding year, and set out what the group hopes to accomplish over the

next year, then provide it to him prior to the next SFLAC meeting.

Press Releases, Publications, Newsletters: The SFLAC discussed the importance of publicizing the numerous and diverse innovations taking place across Oregon, such as the OJD family law facilitation programs and the Marion County high conflict pilot. The SFLAC will invite someone from the Oregon State Bar (OSB) Family Law Section to the next SFLAC meeting. Bill How and Maureen McKnight will collaborate to write an article for publication in the OSB Bulletin. The subcommittee chairs are encouraged to prepare sample press releases about work of the subcommittee. Alice Phalan said the CCJSD maintains a press clipping notebook with articles published relating to family law, juvenile, and drug court issues, which she will bring to the next SFLAC meeting. There was a suggestion made to add an agenda item to each meeting to discuss publicity efforts.

Judge Koch presented a plaque to Emily Heilbrun from the SFLAC members thanking her for serving on the SFLAC and serving as chair for the Domestic Violence Subcommittee.

Maureen McKnight shared a letter her office received from a client thanking them for the pro se forms available on the Family Law website.

The meeting was adjourned at 4:08 p.m.

Respectfully submitted,

Catherine Green
Management Assistant
Court Community Justice Services Division

List of Attachments and Handouts for February 2, 2001 Meeting:

- CCJSD Bill Tracking List by Bill Number
- Senate Bill 167 (LC 1711)
- House Bill 2339
- Oregon State Bar Bulletin article: “*Family Court, Oregon-style*”, January 2001
- Clatsop County Family Law Advisory Committee Plan, December 2000

FUTURE MEETINGS:

Friday, April 6, 2001	1:30 - 4:00 p.m.	OSB Offices
Friday, June 1, 2001	1:30 - 4:00 p.m.	Juvenile Justice Ctr, 1401 NE 68 th , Portland
Friday, August 3, 2001	1:30 - 4:00 p.m.	Juvenile Justice Ctr
Friday, October 5, 2001	1:30 - 4:00 p.m.	Juvenile Justice Ctr
Friday, December 7, 2001	1:30 - 4:00 p.m.	Juvenile Justice Ctr