

**[CORRECTED] MINUTES**  
**SFLAC MEETING**  
**MULTNOMAH COUNTY JUVENILE JUSTICE CENTER**  
**PORTLAND, OREGON**  
**March 07, 2003**  
**(1:00 p.m. - 4:00 p.m.)**

The meeting was called to order by the Hon. Paula Brownhill, SFLAC Chair, at 1:00 p.m.

**Members Present:** Hon. Paula Brownhill; Hon. Maureen McKnight; Hon. Robert Selander; Ed Vien; Linda Scher; Dave Hakanson; Bill Howe; Stephen Adams; Ramona Foley

**Absent:** Hon. Terry Leggett; Cindi Chinnock; Jim Adams; Ernie Mazarol; Kate Barkley; Sharon James.

**Guests present for all or part of the meeting:** Sybil Hebb; Sandra Purnell; Chris Walls; Grafton Sterling; Hal Harding; Alison Taylor (new OFI Executive Director).

**OSCA Staff Present:** BeaLisa Sydlik

**CONSENT CALENDAR:**

**Minutes:** Minutes of the December 6, 2002 meeting were read and approved with the following changes:

Ramona Foley: Page 2 of 5 - Position Paper went to Governor's Transition Team, not Interim Judiciary Committee.

BeaLisa Sydlik: Page 2 of 5 - Sybil Hebb is with the "Oregon Law Center", not the "Oregon Law Commission."

Page 5 of 5 - Stephen Adams also volunteered to be on the reconstituted Futures Subcommittee.

**SUBCOMMITTEE REPORTS:**

**Annual Conference Planning Subcommittee:** Judge Selander and BeaLisa Sydlik reported. It is not likely that a Family Law Conference will be held this year, particularly due to the restriction on travel costs to the courts. It was suggested that, instead of a conference, a follow-up be prepared and distributed to the legislative session after it is over. Sybil Hebb volunteered to assist with this endeavor..

The SFLAC discussed having an abbreviated gathering of approximately 2-3 hours. Documents

and materials for the event could be distributed electronically, and money raised privately. It was noted that in many ways, an opportunity for courts, practitioners and service providers to convene is needed more than ever in these times of budgetary constraint.

Sybil Hebb spoke regarding the Oregon Law Center's (OLC's) training for the Domestic Violence Project. The OLC is having a statewide event this year using Pendleton and Portland trainers, as well as video conference equipment. The SFLAC discussed having a "placeholder" conference by video conference, which might "keep the pilot light on" with respect to all the progress and innovations instigated in Oregon courts in the last several years.

Bill Howe indicated that plans for a substitute for the Family Law Conference could be part of the Futures Subcommittee mission too.

**Domestic Violence Subcommittee:** Sybil Hebb reported regarding the Subcommittee's briefing paper on "*Privacy of Information in Public Records: Address Confidentiality Programs and Other Methods of Protecting Personal Identifying Information*" dated March 7, 2003. It was pointed out that no other entity in Oregon is paying attention to this issue, and that the problem is typical where there are different sets of rules for separate entities. The briefing paper was intended by the Subcommittee to provide a broad perspective and overall look at what is being done in Oregon and other states, and to provide to other partners who may collaborate in addressing the matter. The SFLAC discussed the value of fleshing out the issues raised by the briefing paper now so that when the fiscal environment improves, the pertinent objectives would have already been identified and could be pursued; e.g., deleting SS#'s from family law petitions and judgments. Other concerns which might be addressed in a closer look at the matter included the broader policy issue of whether family law filings as a whole should be made public. It was noted that around the country, there is disagreement on this point; e.g., in Hawaii, family law pleadings are closed to the public. Some members expressed concerns about HIPPA requirements and electronic filings, noting the desirability of maintaining an open court system. The debate raises constitutional issues as well.

The SFLAC agreed that the Subcommittee should continue its work in fleshing out the issues raised in the briefing paper with a focus on how they might be resolved in Oregon.

HANDOUT: "Privacy of Information in Public Records: Address Confidentiality Programs and Other Methods of Protecting Personal Identifying Information" dated March 7, 2003.

**Parenting Plan Workgroup (PPWG):** *Linda Scher reported.* The new name of the subcommittee is Parenting Plan Outreach Workgroup (PPOW). The subcommittee met on February 25, 2003. They went through all the feedback received on both the Basic Parenting Plan Guide for Parents (PPG) and the Safety-Focused Parenting Plan Guide (SFPPG). After consideration of the feedback, changes in the Guides were made including updating the Resource Lists. Also, the safety rules in the SFPPG had wording such that parenting time could be suspended under certain circumstances, which was changed to focus on the fact that the residential parent could seek the court's help through contempt proceedings as a preferred way

of proceeding. Then, if specific harm comes to the child which is an immediate safety issue, the residential parent can withhold visitation.

Another major change arose out of the feedback that the Parenting Plan Guide for Parents was too voluminous to download or copy, and thus was not being used as a consequence in courts or by the public. The PPOW determined that there would be value to reproducing the parenting plan form and instructions only in an abbreviated packet which would be easier to download and less expensive to make copies of. The PPOW is developing this abbreviated packet and a cover sheet which will encourage parents to seek out the entire Guide on the website, but offering a “mini-packet” as an option. Linda noted that the SFPPG was short enough and being used more frequently, particularly through legal aid offices.

It was inquired what SFLAC members’ impressions were of usage of the Guides. Sandra Purnell, an attorney, mediator and parent educator from eastern Oregon, stated she didn’t see much use of it, and heard comments on their length and bulk. Chris Walls, family law facilitator/coordinator in Hood River, also indicated she hadn’t seen much use of the Guides; rather, parents are using the shorter plans which are available in supplemental rules as default parenting plans or those made available through mediation. Bill Howe, a SFLAC member and Portland attorney, stated that his firm has handed out approximately 250 copies and knows that a lot of lawyers are handing copies of them out to their clients. Judge McKnight stated that she saw very few of the Guide’s parenting plans being used but did see parts of it “lifted.” The SFLAC discussed whether another issue is that it is not available in word processing format. Dave Hakanson said that he will be having Deschutes County create the Guides in a format which can be cut-and-pasted or typed in from a keyboard once the final versions are available. The SFLAC also discussed having ad professionals or marketing specialists review the documents for the purpose of providing feedback on how best to reformat it, as well as market it in Oregon. Bealisa Sydlik indicated that ITD now has a means to make the parenting plan in PDF format where it can be filled in on the computer screen and will look into having that done once the final versions are available.

**Court/Child Support Agency Coordination Subcommittee:** *Judge McKnight reported.* The committee has met twice since the last SFLAC meeting. They are working with the Division of Child Support to sponsor a training on the new Guidelines which will be effective May 12, 2003. The training will be held on June 5 and co-sponsored by the Multnomah County Bar Association. Judges, including administrative law judges and hearings officers, are invited to attend but it is expected that more practitioners will sign up for it. A panel will present including a representative from the Child Support Program, legal aid, and an attorney.

The Subcommittee is also working on the federal parent locate system which would provide assistance in locating the whereabouts of parents for parenting time/custody purposes, in addition to support establishment and enforcement. The Subcommittee is looking into creating baseline avenues of access, including the development of forms for requests which have to be made to the courts. The Child Support Program has committed to prioritize access and study workload issues. The Family Violence Indicator aspects of the system have not yet been

addressed by the Subcommittee. There have also been discussions regarding the disclosure of information in Title IV-E cases, e.g. termination of parental rights cases.

The Subcommittee appointed an ad hoc group called the Paperwork and Process Flow Workgroup which is developing best practices for handling the flow of paperwork back and forth between agency offices and the courts.

The SFLAC noted that it is very rewarding to see these two cultures of court and agency interacting and tackling issues of common concern, and also acknowledged how Judge McKnight had raised these issues over ten years ago and has been a champion of them all along the way.

Lastly, House Bill 2277 and House Bill 2645 had hearings on March 6, 2003. These are the bills resulting from the work of the Oregon Law Commission's workgroup on *Judicial and Administrative Support Orders*, which convened to research and recommend a way to prevent and resolve conflicting judicial and administrative child support orders.

#### HANDOUTS:

- Letter dated February 27, 2003 from OLC to SFLAC Members re: "Letter of Thanks - Oregon Law Commission's Work Group on Judicial and Administrative Child Support Orders"
- Copies of HB 2277 and HB 2645

**SB 167 Guidelines Subcommittee:** *Ed Vien reported.* The work of this Subcommittee got derailed due to staff shortage and resource limitations. The Subcommittee left off looking at the qualifications of providers for supervised visitation, evaluations and parenting coordination. Additional members have been recruited for their expertise in evaluation (Hugh McIsacc) and supervised visitation (Leah Baer).

**Legislative Planning Subcommittee:** *BeaLisa Sydlik reported in Judge Leggert's absence.* The Judicial Department's Ways & Means presentation is scheduled for March 24, 2003. Case priorities will be presented with information on how many case types will no longer be able to be processed by the courts under the different budget scenarios. The SFLAC discussed how it might support the budget process, including letters to the editor and articles outlining the consequences of the budget cuts; e.g., Ramona Foley pointed out that access to substance abuse treatment has been seriously curtailed and this affects the state's ability to employ reasonable efforts to reunite foster children with their parents. A judge in eastern Oregon pointed out that there are lots of methamphetamine-addicted moms who, as providers go away, will not be able to get back their kids because of inability to "clean up" or comply with treatment requirements. Another judge pointed out that he was unable to remove children from a drug-abusing mother because there were no available foster parents. The cuts to the Oregon Youth Authority also means fewer beds and no place to send problem kids. Many courts have lost their family law facilitators. The SFLAC discussed the possibility of private funding sources, including ORS 3.440 which provides:

**“3.440 Family Law Account.** The Family Law Account is established as an account in the General Fund. All moneys in the account are appropriated and constitute a continuous appropriation out of the General Fund to the State court Administrator for the purposes of ORS 3.436 and 3.438. The State Court Administrator may accept and deposit into the account contributions of funds and assistance from the United States or its agencies or from any other source, public or private, and agree to conditions thereon not inconsistent with the purposes of ORS 3.438. [1997 C.801 §138]”

Bill Howe volunteered to speak with a reporter from the *Oregonian* regarding cuts from facilitators. BeLisa Sydlik indicated she would consult further with OSCA and provide appropriate information. Ramona Foley stated that Erin Huller Barnett is a reporter with the *Oregonian* who has been following the budgetary cuts to the Department of Human Services.

HANDOUTS:

- Summary Family Law Legislative Highlights - As of 3/3/03
- E-mail from Kateri Walsh, Community Relations Administrator of Oregon State Bar

**Futures Subcommittee:** *Bill Howe reported.* The charge to the reconvened Futures Subcommittee is to gather a group to think creatively out of the box about current funding and budgetary issues and their effects on family law and the court system. The group will meet on at Bill Howe’s house sometime in April (potential dates to be faxed or e-mailed). Stephen Adams will facilitate the group. It was noted that there are no funds to reimburse members of the Subcommittee for their time, travel or per diem to attend this meeting. Members include: Bill Howe, Chair; Stephen Adams; Ramona Foley; Linda Scher; Jim Adams; Ernie Mazarol; Lauren MacNeil; Dave Hakanson; Alison Taylor; Alice Phalan

Stephen Adams spoke further regarding the rent-a-judge situation in California where the overlap between private and public judicial systems has become very confused and led to serious public policy concerns. The Chief Justice of California has just adopted a policy that the rent-a-judge can no longer be assigned to public bench upon retirement. The SFLAC discussed whether and how this might happen in Oregon, noting that the budget situation may drive the judicial system in Oregon to incorporate the concept of rent-a-judges. It was pointed out that judicial retirement in Oregon is based on an agreement that the judge will provide seven weeks of service for five years after retirement.

Another area of concern is that the United States Supreme Court in a recent decision has left wide open the door on how judicial elections will be conducted in the future. The SFLAC discussed how this would impact Oregon and the way judges are perceived, and the need to plan for the impact of this in the future.

These issues will be further discussed as “Old Business” at the next SFLAC meeting.

HANDOUTS:

- Memo from Stephen Adams to SFLAC members dated February 27, 2003 re: “Oregon policy re: compensated private judging by retired judges serving by assignment in public courts”
- NEWS from Judicial Council of California dated July 10, 2002 entitled “Chief Justice Issues New Policy on California Assigned Judges”
- LA TIMES.COM article dated January 31, 2003 entitled “Retired Judges Must Choose Between Public, Private Jobs”\
- NEWS from Administrative Office of the Courts, California, dated December 23, 2003, entitled “Assigned Judges Asked to Certify Compliance with New Private Judging Policy”

**OLD BUSINESS**

**Procedures for Appointment of New SFLAC Members.** The SFLAC discussed the need for a procedure to appoint new SFLAC members. It was resolved that, unless there is an emergency, vacancy appointments may be discussed at SFLAC meetings and members may provide the Chief Justice with nominations. It was noted that membership qualifications depend on the need of the SFLAC at the time the vacancy occurs. It was noted that what is important is that SFLAC members have the opportunity to make comment and time to get feedback from the local FLACs. The SFLAC agreed that it is important that the group not reserve member designations for particular agencies or entities but that members be able to reflect the viewpoints of various constituents and a broad range of perspectives. The SFLAC agreed it was not their role to recruit members.

Consensus:    1. Provide input to Chief Justice Carson on nominations, whether self-generated or put forward by SFLAC as a group.  
                  2. Identify a perspective lacking or needed in selecting member.  
                  3. Members chosen not to represent specific agencies or entities but to bring a needed perspective

**NEW BUSINESS:** The meeting date of September 5, 2003 is confirmed. Formerly it was believed to be Labor Day weekend, but that is the preceding weekend.

The meeting was adjourned by Hon. Paula Brownhill at 3:30 p.m.

Respectfully submitted,

BEALISA SYDLIK  
OJD Family Law Analyst

**List of Handouts for March 07, 2003 Meeting:**

- “Privacy of Information in Public Records: Address Confidentiality Programs and Other Methods of Protecting Personal Identifying Information” dated March 7, 2003.
- Letter dated February 27, 2003 from OLC to SFLAC Members re: “Letter of Thanks - Oregon Law Commission’s Work Group on Judicial and Administrative Child Support Orders”
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