

**MINUTES
STATE FAMILY LAW ADVISORY SFLAC MEETING
September 29, 2006**

**Multnomah Juvenile Justice Center
Portland, Oregon**

Judge Brownhill called the meeting to order at 12:35 p.m.

Members Present: Hon. Paula Brownhill, Chair, Bill Howe, Vice-Chair, Hon. Robert Selander, Linda Scher, Ernie Mazorol, Robin Selig, Lauren Mac Neill, Jim Adams, David Hakanson

Members Absent: Hon. Maureen McKnight, Hon. Terry Leggert, Stephen Adams, Ed Vien, Ramona Foley

Guests: Alison Taylor, Kathy McLoughlin, Chris Walls, Karen Olson, William Castor, Dr. Marny Rivera, John Hamilton

Staff: Bealisa Sydlik, Maria Hinton

Introductions were made of Committee members and guests.

CONSENT CALENDAR

Minutes for June 9, 2006: Motion was made to approve the June 2006 minutes. Minutes were approved as written.

POLICY CONCERNS AND DEVELOPMENTS–Old Business

***Update of Performance Measure #10 Refinement Workgroup–Ernie Mazorol**

Ernie Mazorol reported that several people contributed to this document, including Judge Brownhill, Doug Bray, Alice Phalan, Jim Adams, Bealisa Sydlik, Judge McKnight and himself. The performance measure was designed after the drug court model, and includes 7 Key Component areas with narrative, and the accompanying Performance Benchmarks that will identify and measure a “quality” program. The workgroup then analyzed the key components and created a 2007-09 Proposed Performance Measure:

“Litigants are able to receive their initial face-to-face appointments within 5 work days of request; and 24 hour service for form requests, return of phone calls, and responses to general inquiries.”

The refinement workgroup requested that the SFLAC review and adopt this proposed Performance Measure at today's meeting, since the workgroup needs to present the performance measure to the Performance Measure Advisory Committee (PMAC) next week.

Discussion followed regarding the proposed 2007-2009 Performance Measure. Ernie stated that because of the nature of the clientele, who are usually in crisis at the time, the workgroup felt it was very important to measure the length of time it takes customers to meet face-to-face with a facilitator and to have same day service for form requests, return of phone calls and responses to general inquiries. It was recognized by the workgroup that many courts will not be able to meet these measures, however, it will give courts something to aspire to, and identify for the facilitation programs an access to justice indicator that is quantitative and easy to understand.

Some major concerns were voiced by several Committee members. Several courts have designed innovative ways to deliver services to larger groups of customers rather than delivering the same service over and over again on an individual basis. In these mandated classes, that are offered weekly, customers get all their questions answered and also benefit from the questions of others in the class. Facilitators attending the Facilitation Program training on September 27, 2006, were excited to learn about new ways to deliver services with an optimum effect. If those programs move to this class model, they would not meet the requirements of this proposed Performance Measure because they would be moving away from the face-to-face appointments. In addition, facilitators at the training stated that they receive between 20 and 50 phone calls a day and just as many e-mails. With the standard of "same day" response listed in the Performance Measure, the measure would be setting up programs to fail, simply by the volume of the programs workload.

It was also brought up that the Performance Measure does not really state if the programs are meeting the needs of the customers, it is a quantitative type of measure rather than a qualitative measurement. Calls may be answered the same day, yet the information shared may be of poor quality, so it is not an accurate measure of a "quality" program.

At the last workgroup meeting on Monday of the current week, the group did not have available to them the Outcome Measures and Evaluation Plan designed by Karen Olson, CPSD Analyst. The possibility of using some of this information in order to "fine tune" the Performance Measure was brought to the SFLAC's attention. The SFLAC thought that it would not be advisable to go to another document at this point, however Jim Adams suggested that an aggregate score of the benchmarks might be used when measuring this Performance Measure.

This agenda item was temporarily tabled for discussion of the next agenda item explaining the pilot evaluation process for Facilitation Programs.

***Pilot Evaluation of Family Law Facilitation Programs Update – Karen Olson**

Karen Olson explained the two component areas of the pilot evaluation project: “process evaluation measure” which includes 7 key component areas, and the “outcomes measure” which will measure the improvement of self represented litigants’ procedural compliance and whether there has been a reduction of dismissals and returns of judgment-related documents. This process should be completed in 6-8 months. SFLAC members will take the time to look at the document after this meeting and e-mail comments to Karen.

The Committee returned to the issue of the Proposed Performance Measure.

Alison Taylor pointed out that the step that appeared to be missing is the feedback loop from the customer to the system (via a consumer satisfaction survey), and she suggested that this step should be added as the 12th benchmark. After additional discussion, and acknowledging the deadline of Tuesday to report to the PMAC, a motion was presented that the Committee accept the Proposed Performance Measure with the following adjustments:

1. Change the words “same day” to “24 hour” service in the body of the Performance Measure;
2. Change the #4 benchmark to include “and are satisfied with services received” at the end of the sentence;
3. Change the 5th word of the Performance Measure from “scheduled” to “receive” their initial face-to-face...

The Committee agreed that for the future, the Committee would work to improve the definition of “quality”, develop a 12th benchmark that would outline the consumer satisfaction survey, and consider the outcome measures from the pilot evaluation project. Motion passed. Thanks were given to Ernie for his efforts in moving this Performance Measure along.

***Elder Law Executive Committee Meeting Report – Bill Howe**

Bill attended the Elder Law Committee. It was commented that the meeting had the best attendance ever and had a very engaged conversation. Bill shared a copy of the booklet “Elder Law in Oregon” with the SFLAC and highly recommended it as a resource. The committee wanted to thank the SFLAC for the recommendation of creating a task force to look at the Elder Law issues in Oregon.

***SFLAC Task Force re: Alternative Methods of Resolving Family Matters – Lauren Mac Neill**

Lauren reported that the task force was not active in June or July and only had some conversation in August. Erin Ruff was assigned the staff person for this task force. The charge for the task force was unclear and members started dropping out, so it was

thought that they might need a clarification of directive from the main Committee, or suggest shifting focus to another strategy of the OJD Family Law Strategic Plan.

The Committee discussed the fact that the directive was intentionally broad in nature and the task force would research how other states and possibly other countries were implementing alternative methods of resolving family matters, for example, using administrative processes instead of judicial processes. After the research is complete, if it is found that there is nothing that needs to change either structurally or procedurally in Oregon, then the task force would disband. Comments from divorcing parents who have taken parent education classes include statements like, "I wish I had taken this class before we got into this conflict that we're in". The SFLAC determined it would be advantageous to look at possibilities. One idea is having people attend orientation classes when they request marriage licenses. Task force members could look at "how would it look, how would it be delivered, etc." Dave Hakanson, Ernie Mazorol and Alison Taylor stated that they would be interested in working with the task force and Robin Selig stated she would like to participate in the next teleconference call and would decide after that if she would participate in the task force. Bill Howe may be able to join after December. Lauren will set the next meeting for the task force and report back at the December 2006 meeting.

POLICY CONCERNS AND DEVELOPMENTS–New Business:

Legislative Issues – BeaLisa Sydlik

There are currently no reports on legislative issues other than the fact that an Oregon Law Commission has a work group that will recommend legislation on disestablishment of paternity. BeaLisa reported that this workgroup will almost certainly do away with the former law of "conclusive presumption of paternity". It is anticipated that this bill, once drafted, will be very complex and Committee input will be sought on it.

SUBCOMMITTEE REPORTS:

Annual Family Law Conference: No report. Next conference will be in April 2008.

Legislative Planning: Hon. Terry Leggert, Chair, agreed to the of dissolution of this subcommittee. Legislative issues will be reported on by BeaLisa Sydlik as they arise.

Domestic Violence Subcommittee: Robin Selig reported that the subcommittee met once (last week) since the last SFLAC meeting. The subcommittee has worked over the summer on designing a Domestic Violence Resources webpage. Once created, however, there was concern that it did not contain materials for respondents in FAPA cases. The subcommittee drafted a document with resource information for respondents (buff colored handout) and solicited comments on content of both the website and respondent materials, including contacts with defense attorneys and district attorneys. Stephen Adams suggested some adjustments that had been incorporated into the handout. Robin also wrote Stephen a letter explaining that the goal of the website was to provide respondents and petitioners with information that was useful and

significant to the process, and focused on content rather than length of material posted. The subcommittee also decided to place links for both petitioners and respondents directly below the heading on the webpage, and added two other links to resources (one under 24-hour hotline information and one under getting legal help).

A motion was presented to approve the launching of the website as soon as possible with the understanding that updates/revisions can be made as needed. The motion passed.

Robin reported on attending the National Firearms Summit, which was a three day conference with over 200 attendees. There were many representatives from Oregon agencies at the summit. Materials presented at the conference were dynamic and at the end of the conference there was an opportunity to strategize about developing an Action Plan for individual states.

Judge Brownhill reported that the action plan for Oregon includes:

- convening a post-summit debriefing that would include Attorney General Hardy Myers, Chief Justice De Muniz and many others, and would be hosted by the Oregon Judicial Department (Judge Brownhill would meet with Chief Justice De Muniz in advance to discuss what the group hopes to accomplish)
- draft written protocols for the surrender, seizure, storage and return of firearms
- develop uniform forms to take to the debriefing that would be distributed widely within the state
- developing benchmarks for judges and district attorneys
- make gun storage a priority
- identify task force members at the debriefing including the chair of the task force
- develop a plan for regular training for judges, defense lawyers and district attorneys
- develop a data entry plan so that the flags are entered in and taken out of the system
- have the SFLAC take an active lead role in developing protocols

Robin suggested that the DV subcommittee might take a role in furthering work on this issue.

A motion was presented to refer this issue to the DV subcommittee and outlined the following:

- SFLAC support this program
- Work with elected officials and task force members
- SFLAC DV subcommittee review policies and procedures proposed

Motion passed.

Parenting Plan Outreach Workgroup (PPOW): Linda Scher reported that the SFLAC now has an In-focus projector, thanks to contributions made possible by trial court administrators Chuck Wall (7th District), Jim Adams (Jackson county), Bryan Baehr (Clatsop county), and Ernie Mazorol (Deschutes county). Lauren Mac Neill and Linda

attended the Association of Conflict Resolution convention in July at Cape Cod and made a presentation on the development of Oregon's parenting plan guides and resources. They received very good feedback. Linda will schedule a work session to make revisions to the material. The goal of looking for funds for translations will be placed on hold until revisions are made. The Chief Justice budget has not been released yet so we are still unsure if dollars will be included in the budget for translations. Linda will organize a meeting and start the revision process before the December 2006 SFLAC meeting.

Court/Child Support Agency Child Support Coordination: BeaLisa welcomed William "Butch" Castor, Director of the Division of Child Support (DCS), and co-chair on this subcommittee, to the meeting. The subcommittee met last week. BeaLisa reported that the Federal Deficit Reduction Act has had a tremendous effect on the DCS program, and could possibly require 42 positions to be cut. However, there is a Policy Option Package (POP) that has been submitted to the Governor that would help maintain these positions, but it is currently unknown if the "POP" will be approved.

The subcommittee has also appointed a workgroup to explore the situation that not all family law facilitators provide the child support calculation service and even if they do, they are unable to assist in complicated cases, or those requiring rebuttals. People have often been referred unsuccessfully to their local DCS or district attorneys offices for calculations. One of the effects of the department having to take "cost savings" measures is that resources are not available to aid self represented litigants in calculating their child support, so self-represented litigants are not getting their child support calculations done. The workgroup will look at "who does what and who doesn't do what" and what are the barriers and possible solutions.

Another focus at the next subcommittee meeting will be having Deputy State Court Administrators Sarah Gates and Nancy Miller address the Information and Technology priorities for the courts and how those might interface with the goals and objectives of the DCS program, e.g., maintaining and sharing confidential information, use of scanned documents, need for hard copies of judgments, etc.

The Federal Parent Locate Services is still an issue and there is an ad hoc group looking at possible options and providing education to the attorney population.

The subcommittee asked that a proposal go to the Family and Juvenile Committee of the Judicial Conference that a Child Support Benchbook be created in an on-line format similar to the existing OJD Criminal Law Benchbook and OJD Juvenile Law Benchbooks.

The subcommittee also receives regular reports from the partnership committee (DHS, OYA, DCS) so the committee stays informed on prominent child welfare issues.

The Committee asked Butch if he was interested in becoming a SFLAC member while still maintaining his role as co-chair on this subcommittee. Butch responded that he

would be interested in becoming a member and would accept an appointment if one were offered by the Chief Justice.

Self-Represented Legal Services Subcommittee: The subcommittee has not met since the last SFLAC meeting. Maria Hinton is the new staff person for this subcommittee.

Subcommittee on Subcommittees: This topic will be tabled until the December 2006 meeting, due to Stephen Adams not being present to report.

New Business:

Jim Adams outlined a brief history of Deschutes county's Family Court and how it represented a radical departure from the way child and family law issues were handled, going from a fragmented bench to a one-family, one-judge, service integration wraparound system which focuses on the best interest of the child. Jackson county followed this model and created the nation's second integrated family court of the time. Grants were sought to create the Family Dependency Drug Court and Family Delinquency Drug Court. After much discussion with 40-50 civic leaders, the different courts were merged into what is now known as the Community Family Court.

Jim introduced John Hamilton, Family Court Coordinator, who was a driving force in creating performance measures that have never been done before in family court. Also, Jim introduced Dr. Marny Rivera, Dean of Criminology Department at Southern Oregon University, who is very knowledgeable in criminal and social science and research. Jim stated that Jackson county is very fortunate to have a university in their community that has a philosophy of community outreach and partnerships.

John Hamilton explained the history and development of the Family Court program and handed out copies of the Community Family Court Performance Measures and the Key Components of the CFC Program, the Jackson County Community Family Court Program brochure, Petition for Community Family Court, and the Third-Party Consent to Jurisdiction, Waiver of Rights and Consent to Ex-Parte Communication form.

Dr. Rivera stated that she came into the picture several years after the program was established and talked with John and Jim about completing an independent evaluation of the program. Dr. Rivera stated the importance between sound theory and evidence based policies and practices, and retrieved data that answered key questions, from the Oregon Treatment Court Management System (OTCMS). This data management system is recognized as a great data collection system that holds critical research data.

Dr. Rivera presented her Powerpoint presentation (copy attached) that outlined her research design. She compiled information from 276 cases over a three year time span and identified non-community court cases (control group) and community family court cases. The data supports that the CFC program does support positive change. Jim Adams mentioned that his court was considering eliminating delinquency from the CFC, but the data showed that this was one of the most successful parts of the CFC. Without

the data results outlined in Dr. Rivera's report, they may have removed a very effective tool from their system.

A strong finding in this research is that the trend pattern shows people who are in CFC are committing less crimes when they come out of the CFC program and it is the reverse for the people coming out of traditional case processing who are committing more crimes. Although positive outcomes are shown in this data, the researcher does not know why the changes are happening, or rather, at what stage or stages are the changes being made, is one judge better than another?, is it frequency of meetings?, is it UAs?, is it treatment or therapy?, so the next step is to use the OTCMS to collect data to correlate specific programmatic factors with success and learn how we package these services together to produce the strongest outcomes.

Jim stated that he truly believes that research needs to drive their decisions, policies and practices and not their experiences and emotional reactions. He also suggested that the SFLAC should promote the utilization of proven methods or "best practices".

It was suggested that the SFLAC make evaluation and research a topic of discussion at the annual meeting with the Chief Justice and the State Court Administrator. Research needs to be done of a caliber that will "stand the test of time" and currently within the OJD there is no-one available with the knowledge and expertise at this level that could initiate a research program. Research cannot rely on fluctuating grant funding with different reporting demands from each funder.

A recommendation from the SFLAC would be to approach the ITD sponsor and support a re-write for the OTCMS program that would include the ability to more easily extract data, and use Dr. Rivera as a contact person.

OSB Family Law Section Newsletter: The OSB Family Law Section published Vol. 25, No. 3 Family Law Newsletter (blue handout), and included an excellent educational article about what the SFLAC is and what the SFLAC does. It was recommended that articles continue to be submitted to the newsletter.

Updated "SFLAC Liaison" List: The liaison list was updated with Robin Selig now the liaison for Benton and Linn counties and Lauren MacNeill the liaison for Multnomah county (if that FLAC is still active).

Ernie Mazorol to invite Dr. Nancy Thoennes: Ernie mentioned that early last year the SFLAC had a guest speaker, Dr. Nancy Thoennes. Ernie has now received a copy of her final report on the multi state study of family courts, and would like to invite her back to present her results at the December meeting. The committee agreed that Ernie should contact Nancy and extend the invitation.

Agenda Item For Discussion at December 1, 2006 Meeting: Members of the SFLAC acknowledged a need to discuss what the definition of a "family court" is. Some members expressed confusion over the fact that "family courts" as described in presentations from Deschutes and Jackson counties involve, not primarily dissolution or

family law cases, but drug, criminal and dependency type cases. In addition, these courts do not seem to have the type of interventions these members typically associated with “family courts”, such as parent education, mediation and appropriate dispute resolution, custody evaluations, high conflict interventions, guardians ad litem, parenting coordinators, and so forth. It was agreed that this topic would be discussed further at the next meeting of the SFLAC, and for the purpose of identifying what type of “family court” the SFLAC was created to address.

Meeting was adjourned at 4:20 p.m.

FUTURE MEETING DATES:

Friday, Dec 1, 2006 12:30 p.m. - 4:30 p.m. Multnomah County Juvenile Justice Center

Dates for 2007 SFLAC meetings:

Friday, March 2, 2007 12:30 p.m. - 4:30 p.m. Multnomah County Juvenile Justice Center

Friday, June 1, 2007 12:30 p.m. - 4:30 p.m. Multnomah County Juvenile Justice Center

Friday, Sept. 7, 2007 12:30 p.m. - 4:30 p.m. (CJ/SCA Annual Meeting - Salem)

Friday, Dec. 7, 2007 12:30 p.m. - 4:30 p.m. Multnomah County Juvenile Justice Center

Attachment: Dr. Rivera’s powerpoint presentation

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