

[DRAFT] MINUTES
SFLAC MEETING
MULTNOMAH COUNTY JUVENILE JUSTICE CENTER
PORTLAND, OREGON
March 5, 2004
(1:30 p.m. - 4:00 p.m.)

Members present: Hon. Paula Brownhill; Hon. Robert Selander; Hon. Maureen McKnight; Stephen Adams; Jim Adams; Cindi Chinnock; Linda Scher; Bill Howe; Ernie Mazorol; Sharon James; and Ramona Foley.

Members Absent: Hon. Terry Leggett; Sybil Hebb; Ed Vien.

Guests present for all or part of the meeting: Alison Taylor, Sandra Purnell; Chris Walls; Lauren MacNeill; Kathy McLoughlin

OSCA Staff Present: BeaLisa Sydlik

CONSENT CALENDAR:

Minutes: Minutes of the December 5, 2003 meeting were approved as written.

SUBCOMMITTEE REPORTS:

Annual Conference Planning Subcommittee: *BeaLisa Sydlik* reported that the Office of State Court Administrator (OSCA), Court Programs and Services Division, has budgeted \$8,000 in General Funds for the 2003-2005 biennium for the SFLAC annual conference. There is also \$7,688 available in the Family Law Account. However, staffing to coordinate and plan the conference is not available as it has been in the past and, without such staffing, it will be difficult to hold a statewide conference similar to those in the past.

The option to co-sponsor regional local FLAC conferences similar to the one held in September 2003 in Clatsop County was discussed. *BeaLisa* indicated that use of the funds in this manner would have to be authorized by OSCA's Financial and Administrative Services Division (FASD). It was noted that "regional" as compared to "state" conferences serve different purposes, and each has value in itself. The SFLAC discussed having a SFLAC component in conjunction with a regional conference, and possible video or audio taping for statewide distribution. It was noted that the current trend in state agencies is to have regional as opposed to statewide trainings given present budget circumstances.

Jim Adams stated that Jackson County holds an regional family law conference of its own under the auspices of Hon. Rebecca Orf's leadership each year. It is held in a high school and attended by surrounding jurisdictions including Josephine and Klamath. In the year 2003, the conference had a domestic violence theme.

Sandra Purnell spoke about the upcoming regional conference planned by the Union/Wallowa local FLAC in Eastern Oregon for June 25, 2004. The SFLAC expressed interest in supporting this effort. Sandra indicated that SFLAC co-sponsorship would be helpful in securing a keynote speaker, covering the cost of materials and audio or video taping, as well as covering the travel expenses for court employees in further outlying areas of the region. Sandra will check with the Eastern Oregon University to determine the extent to which they may be able to provide assistance.

The SFLAC voted that the Subcommittee had the authority to make decisions for the spending of reasonable sums from the general funds “conference” line item to co-sponsor the Eastern Oregon regional family law conference, once the co-sponsorship concept has been approved by FASD and the SCA.

The SFLAC also noted that it would have no objections to co-sponsorship of the Eastern Oregon family law regional conference by the Oregon Family Institute (OFI).

Legislative Planning Subcommittee: *Ernie Mazorol and Jim Adams* reported on the effect of the repeal of the tax increase as a result of the failure of Measure 30. The courts are putting in place a \$13 million, 11% reduction plan. The cuts will not be felt as severely as last biennium since there is a longer period of time to absorb them and courts have preserved vacancy savings. Indigent defense suffered a severe cut of \$9.9 million and will run out of funds between March 15 and May 1, 2005. It is hoped that the Legislature will “back-fill” these cuts. It is possible that courts will decrease hours of operation but it is unlikely that full court closures will have to be implemented. For example, Jackson County will close its counters from 8 to 8:30 a.m. every day, and will also be closed during lunch hours. Five vacancies will be left unfilled and the facilitation program will be closed on Wednesdays, *Jim Adams* reported. Severe consequences will be felt by the closure of non-OJD services, such as crime lab closures, cuts to corrections, and the possible dismantling of the Oregon Health Plan. Courts will not have as many services to offer to families in the justice system; e.g., decreased or nonexistent drug and alcohol treatment and services.

BeaLisa Sydlík reported on the timeline for proposing OJD legislative concepts for the 2005 Legislative Session (due April 2, 2004), and suggested that this Subcommittee consider reviewing and making recommendations on proposed concepts and legislation to the State Court Administrator. The SFLAC determined that doing so was within the Subcommittee’s charge. The SFLAC resolved that, as part of its responsibilities, the Legislative Planning Subcommittee should monitor, review and make recommendations to the SCA on family law concepts and bills.

The “*List of Potential Legislative Concepts Re: Family Law*” was handed out. It was noted that some of the concepts connect with the work of other SFLAC subcommittees. The SFLAC agreed that the legislative concept regarding “venue” had a child support component and should be considered by that subcommittee as well. It was also agreed that the FAPA custody factors concept should be referred to the SFLAC Domestic Violence Subcommittee for consideration. *BeaLisa* will provide the legislative subcommittee with copies of the proposed legislative concepts once they are drafted, and will continue to seek input from the Subcommittee on matters of legislative concern.

Stephen Adams expressed interest in a legislative proposal regarding “joint custody.” Stephen will submit a proposal to the Subcommittee for its consideration and, if appropriate, ultimate recommendation to the State Court Administrator.

HANDOUTS:

- List of Potential Legislative Concepts Re: Family Law (tan)
- Legislative Concept Development Schedule for 2005 Legislative Session (gray)

Domestic Violence Subcommittee. *BeaLisa Sydlík* reported for Sybil Hebb who was absent due to a family emergency. The subcommittee has met several times and finalized the “Confidentiality” brochure (handed out). The brochure is on the OJD Family Law Website and is being distributed statewide.

Linda Scher reported on the SFLAC’s request that the Subcommittee investigate the issue of mediation of domestic relations proceedings and appearance at court hearings when there is a restraining or ‘no contact’ order in place. The issue arose as a result of concern that some parties who might wish to mediate were prohibited from doing so by the existence of a restraining order. Another concern is that some parties

might be advised or pressured into dropping their restraining orders in order to participate in mediation. As well, there was a concern that some parties subject to restraining orders might feel that their appearance at a court hearing involving the protected person might be a violation of the order. Linda Scher attended as a guest the subcommittee's telecon meeting to consider this issue.

The Subcommittee concluded that it needed more information on the nature and extent of the issue, and whether the confusion or difficulties arise as a result of statewide or local practices; e.g., both Multnomah and Clatsop have added 150' and 100' "no contact" provisions to their restraining order forms. Sharon James will contact the Association of Family Court Services and Linda Scher will be contacting the Oregon Mediation Association, asking that they consider the issue at their next meeting and gathering input from mediators and family court service providers. In addition, Sybil Hebb will explore the issue with Legal Aid offices and attorneys. The Subcommittee contemplates creating some "best practice" recommendations.

HANDOUT.

- Tri-fold "Confidentiality Protections For Survivors of Sexual Assault, Domestic Violence, and Stalking" Brochure, Final Version (yellow)

Parenting Plan Outreach Workgroup: *Linda Scher* reported that the workgroup, having completed revisions to the Basic Parenting Packet and the Safety Focused Parenting Plan Guide, has taken a break until the end of the year when further revisions will once again be considered. Its next steps will be to plan outreach efforts and will be submitting a budget proposal for how SFLAC funds might assist in these.

Court/Child Support Agency Coordination Subcommittee: *Cindi Chinnock* reported that the Subcommittee is working on revisions to its Paper-Process Flow Workgroup report, which it will have for the SFLAC's approval at the June meeting. The Subcommittee is also working on coordination efforts to implement the Federal Parent Locate System, investigation of paternity issues, and educational efforts in the two entities. It has worked with Conrad Hutterli on getting child support articles in the "Family Law Newsletter", and partnered to bring training on the new Guidelines to members of the Multnomah Bar. The Program has also made its web-based legislative training for agency and district attorneys available on its statewide website. The Subcommittee is being kept informed of Program efforts to coordinate and communicate better with the Department of Human Services (DHS) regarding cross-over issues. The Oregon Law Commission is working on "putative father" issues as well as the legal definition of "parent". "Paternity disestablishment" is a huge issue with no clear direction nationally. The Program will be briefing the Attorney General on the issue and making recommendations. The SFLAC noted that some of these issues may be appropriate for consideration by the SFLAC Legislative Planning Subcommittee.

Dave Hakanson inquired about Program efforts to provide information and support in calculating support amounts based on parenting plans contained in the supplemental local rules. Cindi indicated that she would keep the Subcommittee informed about the progress of this project.

SB 167 Guidelines Subcommittee: *BeaLisa Sydlik on behalf of Ed Vien, Alison Taylor and Dave Hakanson* reported that the Subcommittee had met and made progress on development of qualifications for parenting coordinators, supervised visitation providers and custody evaluators and panels based on research done by Ed Vien. Ed investigated national standards in these professions, noted common denominators and developed the groundwork for establishing baseline qualifications. The Subcommittee discovered that there are some major national studies in progress (e.g., an AFCC Task Force is developing parenting coordinator standards) and the Subcommittee will await their results for inclusion in the final work product. The Subcommittee may have a proposal for the SFLAC at the June meeting.

OLD BUSINESS

• **Status reports from SFLAC Liaisons re: status of Local FLACs:** The handout was distributed setting forth the e-mail summaries of local FLAC statuses received from the SFLAC liaisons since the December meeting. The SFLAC discussed the handout and determined that the liaison concept was still viable to the extent liaisons could remain available to provide assistance when requested. It would be helpful to do similar updates on local FLAC status each year. Co-sponsorship of regional conferences will provide further support to local FLACs.

HANDOUT:

- “Status of Local FLACs - March 2004” - (goldenrod)

NEW BUSINESS

• **SFLAC Budget:** *BeaLisa Sydlík* reported on the budget circumstances of the SFLAC, noting that there are general funds allotted to reimburse SFLAC members for travel and per diem to meetings in the sum of \$6,947, and for the family law conference of \$8,000. In addition, there are funds in the Family Law Account (#91054) in the amount of \$7,688; these are not general funds and will remain in the Family Law Account into the next biennium. The SFLAC must submit a budget proposal to Nancy Miller, Director, Court Programs and Services Division, outlining its plans for use of these funds during the 2003-2005 biennium.

The SFLAC discussed possible uses for the general funds in addition to co-sponsorship of regional family law conferences. Suggestions included funding of a “retreat day” in the fall to make prospective workplans for the SFLAC and its subcommittees. The funds might be used to hire a facilitator for the retreat. It was also proposed that the SFLAC could return to having bi-monthly meetings. In addition, the funds might be used to provide support to the SFLAC subcommittees where expenses are associated with their work. The SFLAC determined that SFLAC subcommittee chairs should submit a proposal within two weeks proposing particular subcommittee uses for the funds.

The SFLAC voted to retain the Family Law Account funds without expenditure, and understands a revised budget will have to be submitted in the event use of these funds becomes necessary.

An ad hoc budget workgroup was appointed to consider possible uses for the general funds remaining in the “conference” line item of the CPSD 2003-2005 budget after funds for co-sponsorship of the Eastern Oregon Regional Family Law Conference were deducted, and to prepare a proposed budget to submit to Nancy Miller. Volunteer members of the ad hoc budget workgroup are:

Jim Adams
Bill Howe
Stephen Adams
Ernie Mazorol
BeaLisa Sydlík

HANDOUT:

- SFLAC Budget Worksheet, Version #1, March 5, 2004 (salmon)

• **NEW “PRO SE LEGAL SERVICES” SUBCOMMITTEE:** *BeaLisa Sydlík* spoke regarding her proposal for the creation of a new subcommittee “to research existing national pro se programs and determine relevance to Oregon; to develop guidelines and resource materials for providing enhanced *pro se* services including unbundled legal services and using volunteers; and to make recommendations to the State Court Administrator re: next steps for family law facilitation programs.” The SFLAC approved the creation of

the new subcommittee and *Hon. Maureen McKnight* agreed to serve as “chair.” Some members of the SFLAC expressed strong sentiment that the name of the subcommittee should be changed from “pro se” to “self-represented”.

It was determined that the first task of the new subcommittee would be to convene SFLAC members who wished to serve on the subcommittee to develop recommendations for membership and a tentative workplan. Other SFLAC members may serve on an advisory committee that may serve to review and make suggestions to the core subcommittee. Bill Howe volunteered to organize expert advisors to the subcommittee. He suggested developing a core group to create a work plan and conduct independent meetings.

SFLAC members who expressed an interest in being on the Subcommittee included Dave Hakanson and Linda Scher. BeLisa Sydlik will serve both as “administrative support” and a member representing the Office of State Court Administrator on the Subcommittee. Bill Howe indicated he would be willing to serve as an advisory board member. Sandra Purnell also volunteered to be on the subcommittee.

HANDOUT:

- SFLAC Proposal: “Pro Se Legal Services Subcommittee” - March 5, 2004

OTHER HANDOUTS:

- “*Relocation of Children After Divorce and Children’s Best Interests: New Evidence and Legal Considerations*,” by Braver, Ellman, Fabricius; *Journal of Family Psychology* (2003) Vol. 17, No. 2., 206-219 (white). This article was provided by Stephen Adams regarding the results of a study of the effects of long distance parental moves upon children in dissolved families. He noted that it is the only known research on the effects of “relocation” upon families. The article found a correlation between distance and poorer outcomes for children.]
- “*Methodology*”, Center for Policy Research [provided by Ernie Mazorol, discusses methodology for research project in Deschutes County Court “Integrated Approaches to Manage Multi-case Families in the Criminal Justice System”]

The next meeting of the SFLAC is Friday, June 4, 2004 at the Multnomah County Juvenile Justice Center.

Respectfully Submitted,

BeaLisa Sydlik
SFLAC Staff Support
OSCA Family Law Senior Policy Analyst

FUTURE MEETINGS:

Friday, September 10, 2004	1:30 - 4:00 p.m.	Multnomah Co. Juvenile Justice Center
Friday, December 3, 2004	1:30 - 4:00 p.m.	Multnomah Co. Juvenile Justice Center

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