



State Family Law Advisory Committee

Lane County Courthouse
125 E 8th Ave
Eugene, OR 97401

<http://www.courts.oregon.gov/programs/family/>

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STATE FAMILY LAW ADVISORY COMMITTEE

2019 ANNUAL REPORT

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Committee priorities:
Technology, Self-Representation, Alternative
Methods of Resolving Family Law Cases

STRUCTURE

The founding statute, ORS 3.436, includes this language:

- (1) The Chief Justice of the Supreme Court may appoint a statewide family law advisory committee to assist the State Court Administrator in carrying out the administrator's responsibilities under ORS 3.438 (2) and (4)(a) and in identifying family law issues that need to be addressed in the future. The Chief Justice shall consider the diversity of this state in appointing the members of the statewide advisory committee.

The purview of SFLAC is within the discretion of the Chief Justice, who appoints members to staggered 3-year terms, renewable indefinitely, in her or his discretion. There are usually approximately 18 members representing diverse vantage points on family law and the Oregon Judicial Department. Members represent a diversity of professions (judiciary, law practice, court administration, child support, mediation, mental health, and others). There is conscious diversity of geography, gender and ethnicity. To date, the Chair has been a judicial officer. There is no judicial majority by design and recommendation of the group itself.

All meetings are subject to Oregon's public meeting laws. SFLAC publishes its agendas in advance, maintains a public website, assures in-person access to all venues, and provides opportunity for public comment. SFLAC members and guests may call in to meetings, and video access is provided for SFLAC members. Members may request reimbursement for travel expenses if funds are available, but members receive no compensation for service.

Service on SFLAC requires a substantial personal time commitment. Meetings are quarterly, usually on Fridays, and last up to four hours. Typically, the March, June, and December meetings are in Portland, and the September meeting may be in another part of the state. Members are active in the group and generally serve on one or more subcommittees. Service on the assorted subcommittees require interim meetings and preparation for the quarterly SFLAC meetings. Subcommittees and work groups are formed and reformed as needed. It is not necessary to be an SFLAC member to serve on a subcommittee; in fact, many SFLAC members come from prior service on a subcommittee.

The members have an excellent attendance rate at the meetings, which is critical because each member has been specifically chosen to participate in the group based on their unique knowledge and skills set. The meetings are comprehensive and allow for an exchange of information and sharing of goals for family law in the State of Oregon. There is equality of individual respect not arbitrarily hindered by hierarchy, titles,

length of service, or deference to rank. There is an atmosphere of businesslike informality, humor and collegiality. There is often outspoken (but respectful) frankness in pursuit of consensus, which is almost always reached, but is not required. This refreshing dynamic allows the group to tackle tough issues with fervor and continue to strive to have Oregon be a leader in prioritizing service to families involved with the litigation process.

At least annually, the Chief Justice and the State Court Administrator meet with SFLAC to discuss issues and policies under the purview of the committee. SFLAC remains advisory to the Chief. Additionally, each member serves as liaison to one or more local Family Law Advisory Committees (FLAC) and reports on the activities of the local FLACs. ¹

SUBCOMMITTEE SUMMARIES

There are several subcommittees of the SFLAC where the bulk of the work of the SFLAC is done. These subcommittees will constitute, expand, decrease, and go dormant from time to time depending on the needs of the group. After careful consideration regarding priorities moving forward, in 2016 the SFLAC agreed to absorb the mission of the Self-Represented Subcommittee into the work of each and every subcommittee. It was also decided that there would no longer be a specific subcommittee on Legislative Work, but rather an ad hoc subcommittee that can be called upon in the future if need be. Ryan Carty, who handles Legislative Liaison work for the Oregon State Bar Family Law Section, keeps the SFLAC updated on legislative issues and helps coordinate SFLAC involvement if needed. The Child Support Subcommittee has been dormant since 2016 as the DOJ was in the midst of a major overhaul of the child support system, but it is anticipated that group will reconvene in the coming year. The currently active subcommittees are listed below with a summary statement regarding recent achievements.

¹ All Presiding Judges are required to constitute a FLAC to address policy on family law issues in their county, though some counties remain dormant.

CHAPTER 125 SUBCOMMITTEE – Report Fall 2019

Chairs: Hon. Lauren Holland (Lane County Circuit Court), Hon. Rita Cobb (Sr. Judge, Portland)

Members: Hon. Sean Armstrong (Marion County Circuit Court), Hon. Claudia Burton (Marion County Circuit Court), Hon. Katherine Tennyson (Sr. Judge, Portland), Parmie VanDyke (Probate Commissioner, Washington County), Stephen Adams (Mediator, Wallowa County), Bryan Marsh (JFCPD, OJD)

What is the goal/focus of the subcommittee?

The subcommittee is focused on all aspects of protective proceedings; this includes both emergency temporary placements, as well as indefinite guardianships and conservatorships. Our goals include statewide education and standardization of best practices regarding protective proceedings.

What are the subcommittee's top short-term priorities?

The subcommittee created a training video for court appointed visitors which can be utilized by courts statewide. Creation of a handbook for visitors to supplement the video is now in progress; the first draft should be circulated to subcommittee members by the end of November. Uniform auditing of conservatorship and annual accounting is another priority. The committee is investigating options that would be affordable and at the same time could be applied to cases statewide.

What are the subcommittee's top long-term priorities?

The ongoing priority is the education of all those involved in protective proceedings in order to insure compliance with the legislative mandates. Also, assisting courts in determining and implementing the best practices in establishing, monitoring, and administering protective proceedings.

What are the subcommittee's top accomplishments?

Creation of a statewide training video and handbook for court visitors. Providing information to legislative proposals in protective proceedings.

What are the challenges for courts in implementing the recommendations from the subcommittee?

Funding is the single largest challenge facing courts in implementing recommendations. In addition, some courts that have a smaller number of protective proceedings do not have the staff or the time to implement effective oversight and administrative processes.

DATA SUBCOMMITTEE – Fall Report 2019

Chair: Ryan Carty (Attorney, Salem), Linda Hukari (Trial Court Administrator, Marion County)

Members: Hon. Maureen McKnight (Sr. Judge, Multnomah County), Hon. Matthew Donohue (Benton County Circuit Court), Hon. Lauren Holland (Lane County Circuit Court), Conor Wall (BFSD, OJD), Jessica Roeser (BFSD, OJD), Leola McKenzie (JFCPD, OJD), John Grant (Attorney, Portland (when available))

What is the goal/focus of the subcommittee?

Prioritizing the data reports that can be obtained and developed from the Odyssey case management to provide information to OJD, our community partners, and the legislature to further the mission and goals of the OJD in the particular context of family law matters.

What are the subcommittee's top short-term priorities?

Prioritizing the data reports we are most interested in. Some of the reports will take longer to develop the data we believe will be useful in the long term. In the meantime, our immediate priority list has allowed Conor Wall to pull data on mediation, protected person cases, and get that information to the trial courts. This allows the courts to identify where there are data entry errors, so the courts can correct the data going into the Odyssey system so that we can obtain better data in the future.

What are the subcommittee's top long-term priorities?

We have a long list of data that we feel is important for the OJD and legislature going forward. For example, getting accurate data on post judgment family law cases. This is an enormous workload for the staff and judges, however there is not currently a way to accurately pull that data from Odyssey. Our long-term goal is to develop reports and queries that will allow us to pull that data and have meaningful discussions about meeting the needs of family law litigants.

What are the subcommittee's top accomplishments?

While the committee is fairly new, our immediate priority list has improved OJD's ability to pull data on mediation and protected person cases. This has allowed OJD to get that information to the trial courts so they can identify where there are data entry errors and then correct those errors. This improves the quality and reliability of the information we get. Conor Wall and Ryan Carty have also presented to the TCAs what the committee is doing, why the data is important, and explained data reports explaining data entry concerns. Getting the buy-in from the TCAs will assist with making sure the data is accurate.

What are the challenges for courts in implementing the recommendations from the subcommittee?

The biggest challenge is training, consistency, and time. To have accurate data, court staff need to be trained and the trial courts need to be consistent in how data entry is performed. If there is an issue with the data, it needs to be identified in a manner that will allow the time to review and correct.

DOMESTIC VIOLENCE – Fall Report 2019

Chair: Debra Dority (Oregon Law Center)

Members: Amy Benedum (JFCPD OJD Salem), Cheryll O’Neill (DHS, Child Safety Unit), Diana Fleming (CVSSD, DOJ), Dr. Sheldon Levy (OHSU Dept. of Family Medicine), Triah Meyer (Saving Grace, Bend), Samantha Benton (Attorney, Hood River), Jennifer Gardner (Attorney and Pro Tem Judge, Marion County), Sarah Sabri (Sr. Asst Attorney, DOJ), Hon. Patricia McGuire (Multnomah County Circuit Court), Hon. Dawn McIntosh (Clatsop County Circuit Court), LeeAnn O’Neill (Family Court Facilitator, Deschutes County) and Hon. Maureen McKnight (Sr. Judge, Multnomah County).

What is the goal/focus of the subcommittee?

Advising the Chief Justice regarding issues, legislation, and resources regarding domestic violence, and provide a resource for the same.

What are the subcommittee’s top short-term priorities?

Creating a Stalking Bench Book similar to the existing FAPA and EPPDAPA Bench Books. We are creating this document from scratch, so it has been our primary focus in 2019.

What are the subcommittee’s top long-term priorities?

- Proposing updates and changes to court forms, materials and resources regarding domestic violence (including developing updates to the FAPA Bench Book).
- Supporting education of the bench and bar related to domestic violence, sexual assault, and stalking.
- Proposing and providing speakers for the SFLAC Conference on domestic violence, working with trauma survivors, and firearms.
- Many years ago, the firearms taskforce grew out of the DV Subcommittee. If possible, the DV Subcommittee supports the creation of a new firearms taskforce to help with the implementation of recent firearms protections as they relate to domestic violence.

- Advising the Chief Justice on issues relating to domestic violence.

What are the subcommittee's top accomplishments?

The DV Subcommittee drafted a memo to the Law & Policy Workgroup (LPWG), which was approved by the SFLAC to forward to LPWG. The memo proposed important changes to FAPA forms, Stalking forms, EPPDAPA instructions and MCDV forms. Some of the proposed changes were easily made, while others prompted important conversations and the formation of additional work groups.

Over the years, the DV Subcommittee has been involved in the update of many important forms and resources, including OJD's Firearms Guide for Oregon Courts, Firearms Bench Sheets, and multiple OJD forms such as Sexual Abuse Protection Order (SAPO) and Extreme Risk Protection Order (ERPO) forms.

What are the challenges for courts in implementing the recommendations from the subcommittee?

The committee is motivated to support the implementation of the new firearm dispossession protocols per HB 2013. However, such implementation will require training and support of multidisciplinary groups in each county. This work will require financial support as well as significant time investment by the participants.

EDUCATION SUBCOMMITTEE – Fall Report 2019

Chairs: Hon. Keith Raines (Washington County Circuit Court), and Debra Dority (Oregon Law Center – Portland)

Members: Hon. Karrie McIntyre (Lane County Circuit Court), Colleen Carter Cox (Supervisor, Lane County Family Court Assistance Office), LeeAnn O'Neill (Deschutes County Family Court Assistance Office), Bryan Marsh (JFCPD, OJD), Leola McKenzie (Supervisor JFCPD, OJD), and Melissa Dablow (JFCPD, OJD).²

The group is currently looking for new members.

What is the goal/focus of the subcommittee?

Identifying, developing and providing education through trainings and resources/materials for both the public and OJD employees, including videos, webinars, conferences, etc.

² Hon. Paula Brownhill (Sr. Judge, Clatsop County) and Linda Hukari (Trial Court Administrator, Marion County) recently stepped down.

What are the subcommittee's top short-term priorities?

Updating and revising the “Divorce, Custody & Other Family Law Trials in Oregon: How to Prepare and What to Expect at Trial” (formerly: “How to Prepare for Your Divorce, Legal Separation, Custody or Support Trial” which was last updated in 2001). The new version will include information about IDRT and specific information about what should be provided at trial or modifications of custody, child support, parenting time, spousal support, and property issues. It will also be translated into Spanish by CLAS once the English version is finalized.

What are the subcommittee's top long-term priorities?

Each year the subcommittee creates a conference planning committee to plan and oversee a Family Law Conference and a Family Court Facilitator Conference (in alternating years). These are comprehensive and valuable trainings about which attendees have reported gaining useful and practical information. We also hope to continue creating and updating resources for self-represented litigants accessing the family court system and improving educational resources and training manuals for staff.

What are the subcommittee's top accomplishments?

Though this subcommittee is relatively new, it has planned and carried out two successful Family Law Conferences and one Family Court Facilitator Conference. The evaluations of each of these Conferences were overall excellent overall, and brought important training and materials to many attorneys, judges, facilitators, TCAs, clerks and others throughout the state at a relatively low cost.

What are the challenges for courts in implementing the recommendations from the subcommittee?

There are plans and ideas for future trainings and webinars, but implementing such training will require financial support as well as significant time investment by the participants. We have also found a degree of disconnect from the technology side of OSCA.

FUTURES SUBCOMMITTEE – Fall Report 2019

Chair: William Howe, Vice Chair SFLAC (Attorney, Portland)

Members: Hon. Dan Murphy (Sr. Judge, Linn County), Hon. Karrie McIntyre (Lane County Circuit Court), Linda Hukari (Trial Court Administrator, Marion County), Colleen Carter Cox (Supervisor, Lane County Family Court Assistance Office), Stephen Adams (Mediator, Wallowa County), Bryan Marsh (JFCPD, OJD), JodiAnn Harvey

(Mediator, Deschutes County), Eric McClendon (Oregon State Bar, Portland), Neal Japport (OJD, Multnomah County), John Grant (Attorney, Portland)

What is the goal/focus of the subcommittee?

Informing, investigating and processing for OJD family law reforms that will make the system fairer and promote access to justice.

What are the subcommittee’s top short-term priorities?

Enacting some form of remote access delivery of legal information modelled after Alaska and the other states that SFLAC members visited and previously reported on. A summary of the report generated can be found here:

<https://www.courts.oregon.gov/programs/family/sflac/SFLAC%20Documents/SFLAC%20Futures%20Remote%20Service%20Delivery%20Report.pdf>

What are the subcommittee’s top long-term priorities?

Continuing to promote access to justice reforms and assisting in creating systems for family law dispute resolution that are less adversarial and more accessible to those of modest means and self-represented litigants.

What are the subcommittee’s top accomplishments?

- The institution of Informal Domestic Relations Trial on a statewide level after piloting the project.
- Collaborations with the Institute for the Advancement of the American Legal System to promote reform in legal education which promote simpler, fairer, and more efficient processes and access to justice for self-represented (this includes Multnomah County’s participation in the IAALS self-representation study).

What are the challenges for courts in implementing the recommendations from the subcommittee?

The primary challenge is financial. There is no dispute that the adversarial system serves most family law litigants well (even if it may be too expensive for even most middle-class families to navigate). The adversarial system is also necessary to manage the minority of cases involving significant intimate partner violence or where one or both parties are not rational actors because of addiction or mental health issues. However, for most families, a system that emphasizes less adversarial and more therapeutic processes better serves the interests of families and children and the society as a whole.

MEDIATION SERVICES – Fall Report 2019

Chair: Lauren MacNeill (Mediator, Clackamas County)

Members: Laura Bisbee (Mediator, Multnomah County), Amy Bonkosky (Trial Court Administrator, Crook and Jefferson Counties), Cindy Carr (Mediator, Washington County), Caitlyn Jackson (Mediator, Lane County), Hon. Karrie McIntyre (Lane County Circuit Court), Kristen Jocums (Mediator, Benton County), Amy Benedum (JFCPD, OJD) (and occasional other participants).

Accomplishments:

- Assisted OJD in two separate data collection projects aimed at establishing a baseline of mediation services available statewide.
- Commissioned two white papers on the state of mediation in Oregon and mediation best practices.
- Supported OJD in crafting two policy option packages to increase mediation funding (both were included in the Chief's budget, but not funded by the legislature).
- Designed new Mediation Data Collection Project, a process for reporting and tracking the outcome of court-connected domestic relations mediation; drafted instruction letter on completing the mediator reports for mediators and court staff; drafted a review letter after a year of data collection highlighted needed clarifications and improvements.
- Continued outreach to court-connected mediators and programs throughout the state.
- Continued discussion of best practices in mediation.

Projects:

We are working on an instructional video to be available on the web regarding completion of the mediator reports. As data reporting continues to improve, we will report the results and interpret the data to develop statewide recommended best practices and support sufficient funding for these services.

MEMBERSHIP SUBCOMMITTEE – Fall Report 2019

Chair: William Howe (Attorney, Portland)

Members: Amy Bonkosky (Trial Court Administrator, Crook/Jefferson Counties), Stephen Adams (Mediator, Wallowa County)

What is the goal/focus of the subcommittee?

Recommending and vetting nominees for SFLAC membership.

What are the subcommittee’s top short-term priorities?

Determining whether new members should be nominated in light of the opening of Jodi Harvey’s position, and considering replacement nominee and protocol for Bill Howe as he resigns at the end of 2020.

What are the subcommittee’s top long-term priorities?

Continuing to seek qualified and diverse membership opportunities for SFLAC.

What are the subcommittee’s top accomplishments?

The enlistment and recommendation of top-quality members for SFLAC.

What are the challenges for courts in implementing the recommendations from the subcommittee?

N/A

PARENTING INVOLVEMENT AND OUTREACH COMMITTEE
– Fall Report 2019

Chairs: Dr. Adam Furchner, Ph.D., Hon. Amy Holmes Hehn (Multnomah County Circuit Court)

Members: Hon. Sean Armstrong (Marion County Circuit Court), Hon. Bethany Flint (Deschutes County Circuit Court), Hon. Dawn McIntosh (Clatsop County Circuit Court), Scott Leibenguth (Attorney, Portland), Jane Parisi Mosher (Mediator, Yamhill), Linda Scher (Mediator, Multnomah), Robin Stedfeld (Mediator, Union), Judith Swinney (Parenting Supervisor/Educator), Tracey Vogeltanz (Multnomah County Family Court)

What is the goal/focus of the subcommittee?

Providing information and training to parents, mediators, and the legal community regarding parenting time, legal decision-making and family law related topics.

What are the subcommittee’s top short-term priorities?

Developing guidelines for supervision of parenting time by non-professionals.

What are the subcommittee's top long-term priorities?

After work on our current project, we hope to provide guidelines, information and training for family law professionals about the resist/refuse dynamic that presents in high-conflict divorce families.

What are the subcommittee's top accomplishments?

The Parenting Involvement Workgroup (later renamed the Parenting Involvement and Outreach Subcommittee or PIOS) was formed in 2010 to investigate local and national trends regarding best interest standards and practices for children of divorce, paying particular attention to the distinction between parenting schedules (referred to throughout as parenting time) and custody, referring to legal decision-making authority as defined by ORS 107.169. Since that time, the subcommittee has completed several major projects as well as a wealth of more minor materials.

An incomplete list of work is detailed below:

2010 – Custody and Parenting Time: Summary of Current Information and Research

<https://www.courts.oregon.gov/programs/family/sflac/SFLAC%20Documents/CustodyPTR.pdf>

2010 – Qualifications for Appointment and Training of Parenting Coordinators, Custody Evaluators, and Parenting Time Supervisors

<https://www.courts.oregon.gov/programs/family/sflac/SFLAC%20Documents/2010Guidelines.pdf>

2011 – Parenting Education: What Works Best?

<https://www.courts.oregon.gov/programs/family/sflac/SFLAC%20Documents/ParentEdRpt.pdf>

2015-2017 – Birth Through Three Toolkit and associated presentations, materials and trainings around the state.

<https://www.courts.oregon.gov/programs/family/children/Pages/Birth-Through-Three.aspx>

What are the challenges for courts in implementing the recommendations from the subcommittee?

Our subcommittee often makes recommendations that do not lend themselves to the environment of the courtroom. We tend to advocate for complex, child focused analysis that is sometimes beyond the scope of a hearing or evaluation. At times, our recommendations do not conform easily to standard forms of parenting plans, especially in the areas of Birth through Three. For example, we might advocate for more flexible and dynamic parenting time schedules, adjusted with the help of professionals or the courts, in ways that are difficult for courts to accommodate.

FUTURE WORK OF THE SFLAC

At our quarterly meetings the SFLAC continues to diligently vet the work that is being done by the subcommittees, with a hope to continue to provide the statutory advisory opinion to the Oregon Judicial Department and to significantly and positively shape family law policy for the State of Oregon, to benefit all those families who interact with the Court system.

