

**MINUTES
SFLAC MEETING
MULTNOMAH COUNTY JUVENILE JUSTICE CENTER
PORTLAND, OREGON
June 4, 2004
(1:30 p.m. - 4:00 p.m.)**

Members present: Hon. Paula Brownhill, Hon. Maureen McKnight, Hon. Terry Leggert, Jim Adams, Stephen Adams, Cynthia Chinnock, Ramona Foley, Dave Hakanson, Sybil Hebb, Bill Howe, Sharon James, Ernie Mazorol, Linda Scher, and Ed Vien.

Members Absent: Hon. Robert Selander

Guests present for all or part of the meeting: Dr. Nancy Thoennes, Hon. Dale Koch, Leah Baer, Dr. Herman Frankel, Robin Selig, Chris Walls, Katy Yetter and Kathy McLoughlin

OSCA/OJD Staff Present: BeLisa Sydlik, Joy Brewer

CONSENT CALENDAR:

Minutes: Minutes of the March 5, 2004 meeting were approved as written.

NEW BUSINESS

Mr. Mazarol provided background information in his introduction of the guest speaker, Nancy Thoennes, of the Center for Policy Research. He also requested feedback from the committee on how the project could be strengthened.

Dr. Thoennes presented information regarding the Research Project "Integrated Approaches to Manage Multi-case Families in the Criminal Justice System." The project is directed at families involved in different sectors of the courts. Cases often include criminal, domestic relations, and juvenile matters that need better coordination of orders and improved communications. Dr. Thoennes stated that Colorado used the one judge/one family model. She found that more cases in the integrated model were back in court less often, and the risk of overlapping orders was reduced. Additional benefits included that nondependency cases were resolved more quickly and there were shorter out-of-home placements. Dr. Thoennes stated other courts are becoming interested in the project, which is taking place in Florida, Oregon, and Arizona.

Dr. Thoennes inquired about the types of information the committee would like the study to address.

Judge Leggert observed there may be inconsistencies in the services when multiple judges were involved with one client and requested information on developing a consistent and realistic plan that the family might be able to manage. Judge Koch noted that in addition to the court coordination, another factor is the number of district attorneys and Department of Community Justice as well as caseworkers needed to determine what is effectively working and what is not. It was noted that "entry points" varied by judge and jurisdiction, as well as integration with community services.

James Adams stated he was interested in knowing if the court became an effective community partner and what worked best. He listed the following points to consider in making the decision:

- Do these programs make a difference in family safety for children and other members?
- Do they improve community protection?
- Have we reduced recidivism?
- Did we improve the collaboration process?
- Are we moving these families from dependency to self-sufficiency?
- Consider family social functioning issues, such as employment, residential factors, school stability, etc.
- Develop an intake instrument to identify where the family began and its current status to determine if there were improvement.

Ms. Scher recommended distinguishing between stipulated order or not, noting that this is a positive result. She stated the same would apply to dependency cases and observed it would be preferred that it be the result of agreement of the parents rather than judicially imposed.

Mr. Howe pointed out the study was about outcomes, not output. Dr. Frankel suggested it might be possible within budgetary restraints to collect outcome about child functioning, for instance school attendance, although school functioning would be considerably harder to collect. He stated this might be very valuable data and might suggest additional data that were collectable and likely to be useful. Dr. Frankel stated that access to health care, although harder to collect, might be indicative of the health and welfare of the family.

Ms. Foley suggested the project capture whether there was legal representation for social services representatives. Mr. Howe noted that the computer system would not always support the project and needed to be aware of these types of issues. Dr. Vien recommended personal interviews with the parents to add qualitative data to the support the analysis. Stephen Adams suggested exit interviews with judges about how their personalities may or may not fit with the project. He also inquired about dealing with ethical issues for judges involved in the project and recommended revising the forms to consider same-sex families.

Discussion ensued regarding the types of skills needed by judges to transition from decision maker to creator of solutions. Questions arose, including: What kind of training would be needed by each individual judge? What kind of competencies can be determined that the judge has?

Ms. Scher inquired how much money the process would save and stated it was important to have measures that could be translated into dollars. Ms. James added: Did they agree to this plan – the lack of hearings would be one way to measure for cost savings. Stephen Adams encouraged collecting data on the marginal cost items, such as court clerk and other involved staff time; the amount spent on county-paid defense; for civil/domestic actions, including participation of advocates and support persons.

Judge Brownhill inquired how the project found control group cases. Dr. Thoennes responded that the source was archival data. She stated that in new cases, it would be possible to go back one year before this approach was introduced. She stated it was harder in this area because the courts have been in existence for a long time and noted this would be an ongoing issue. Dr. Thoennes stated care was needed to ensure the data could be attributed to the court's actions only.

FOLLOW-UP NOTE: A letter of appreciation was sent by Judge Brownhill to Nancy Thoennes thanking her for her excellent presentation and for traveling to attend the SFLAC's June 4th meeting.

SUBCOMMITTEE REPORTS:

Annual Conference Planning Subcommittee:

Jackson County Conference: In Judge Selander's absence, Judge Brownhill reported on Jackson County's request for co-sponsorship funds, submitted by Hon. Rebecca Orf. The projected expenses totaled \$12,160. Three-hundred participants at \$40 (registration fee) each would generate \$12,000.00. It was noted that these figures zeroed out to an even balance. The subcommittee recommended approving \$1,100 earmarked for up to 25 scholarships for SFLAC, CASA, CRB and other volunteers. A further recommendation was made to approve an additional \$160 to reduce the registration fee from \$40.53 to a flat \$40, for a total of \$1260.

However, it was noted that, although not clear, it was believed that Jackson County's intent was to apply for the total \$3,000 co-sponsorship funds available. Ms. Sydlik was asked to clarify this with Judge Orf.

Mr. Howe stated this was an excellent expenditure of money, and he would attend. Mr. Howe moved to approve the grant as requested up to \$3,000 and allow the subcommittee to determine the intent and need for the funds. Stephen Adams seconded the motion. Mr. Howe requested permission to withdraw the motion in favor of allowing the Chair of the Conference Subcommittee to have authority for approving up to \$3,000 and today approve \$1,260. Stephen Adams seconded the revised motion, which carried unanimously.

The Jackson County conference will be held on 10-26-04.

Eastern Oregon Conference: Stephen Adams and Ms. Sydlik updated the committee on the Eastern Oregon Family Law Conference, to be held on 6-25-04. This is an all-day conference, with an evening presentation. The conference announcement and registration form were distributed. It was reported that registration forms were also available on OJD's website.

Legislative Planning Subcommittee: *Judge Leggert, Jim Adams.* Judge Leggert reported there would not be any additional cutbacks due to Measure 30's defeat. Judge Koch explained the recent history of staff reductions and budget timing. Ms. Foley briefly discussed the impact of cuts in alcohol/drug and mental health services and noted that approximately 1,700 county-contracted positions had been eliminated. There has been an increase in child abuse reporting in the past year as well. James Adams reported on estimates of a prospective \$1 to \$1.5 billion budget shortfall in the next biennium, stating it was too early to reach conclusions because there were so many unknowns.

Ms. Sydlik reported that the legislative concepts presented at the March meeting had been presented to the State Court Administrator who declined to submit them to Legislative Counsel for drafting. It is OJD/OSCA policy to work with advocate and interest groups on such issues as opposed to sponsoring legislation, and to support legislation sponsored by other groups which has similar objectives. Ms. Sydlik indicated that the change of venue/transfer concept appears to be a court administration issue that should be addressed internally. The "Child Attending School" concept is being considered by the Academy of Family Law Practitioners, based on input received from Judge Raines. Regarding the FAPA concept of restoring judicial discretion in awards of temporary custody, the State Court Administrator indicated she would like Ms. Sydlik to work with advocacy groups on the effect of such legislation and the source of the original legislation. Stephen Adams's inquired as to whether consideration of legislative concepts was within the purview of the SFLAC. Ms. Sydlik indicated that she believed it was, since the committee

is advisory to the State Court Administrator on family law related issues. However, whether or not to put a concept forward as proposed legislation is within the State Court Administrator's sole discretion. Nevertheless, the State Court Administrator would welcome input from this committee on any form of legislative proposal or concept. Ms. Sydlik proposed continuing to report to the SFLAC on the progress of collaboration, and it was agreed that the SFLAC would continue to discuss possible solutions and proposals for legislative concepts.

Domestic Violence Subcommittee. *Sybil Hebb* reported that the committee was asked to look into mediation of domestic relations proceedings when FAPA or no contact orders were in place. Preliminary feedback with court-connected mediators indicated there may be general policies in place that allow the parties to participate in mediation. However, she had also received feedback from some private mediators that it was more complex because there were not court policies in place to address that type of contact. She will check the protocols on OJD's website to determine if they are current and contain relevant provisions to the issue. Judge McKnight related a case in which protective issues affected how a criminal case was handled in Multnomah County court. Ms. James recommended including documentation if mediation were voluntary or court ordered.

The confidentiality pamphlet was drafted prior to the UTCR to implement HB 3015. Upon reviewing the UTCR procedure, the subcommittee found the UTCR to not be meshing with the pamphlet as well as possible. UTCR provides a broad range of information to be withheld. It would be difficult for a pro se litigator to figure out how to approach this issue. Ms. Sydlik stated the UTCR 2.100 forms adopted by the Chief Justice in December created a seven-page form to keep social security numbers out of a broad range of pleadings, not just domestic relations. She has reports from court staff that it takes up to 30 minutes to explain to pro ses what the form entails. Jim Adams volunteered Chloe Sternola, Court Supervisor, to work on the project. Judge McKnight recommended an overall review of the process. This topic will be carried forward to the September SFLAC agenda.

Parenting Plan Outreach Workgroup: *Linda Scher* reported that she had submitted a budget to the Ad Hoc Committee, which was approved. It included funding for copies of parenting plan guides, mileage for meetings and outreach. The workgroup will not convene again until later this year or early next year to reconsider any needed changes to the parenting plan guides.

Court/Child Support Agency Coordination Subcommittee: *Cynthia Chinnock* stated that the Subcommittee continues to work on the paperwork and process flow report. Many recommendations were received in the review process, and eight major issues were identified. Additional time at the SFLAC September meeting was requested, as the report will be ready for SFLAC's review and comment at that meeting. Mr. Howe requested the report be distributed to members in advance of the meeting.

SB 167 Guidelines Subcommittee: *Ed Vien* distributed a five-page report regarding qualification for parenting coordinators, custody evaluators and supervised visitation providers. He stated the final product would be available at the next meeting, and estimated the work was eighty percent complete. Dr. Vien requested members' comments by email at viened@aol.com.

Pro-Se Legal Services Subcommittee: *Hon. Maureen McKnight* reported that the subcommittee's official name has not yet been considered, but has that on its agenda. At the March SFLAC meeting, SFLAC members suggested considering renaming the subcommittee to change "pro se" to "self-represented". Judge McKnight reported that after clarifying priorities and focus, the subcommittee would assist in developing the curriculum for the OJD facilitator training scheduled for October of this year. She, Ms. Sydlik, and Ms. Yetter would meet in person to work on the project. Other projects the subcommittee will consider include manuals for judges (best practices) as well as best practices for attorneys in dealing with self-represented litigators. New members have been added to the subcommittee, including representatives from the Oregon Child Support Program, the Oregon State Bar, non-profit legal

clinics, law libraries, and others.

OLD BUSINESS

Ad Hoc Budget Workgroup: Ms. Sydlik distributed copies of a revised budget worksheet and e-mail sent to all SFLAC members on 4/12/04 advising that it had been learned that reimbursement for travel/per diem to the SFLAC meeting would be covered this biennium under the State Court Administrator's general budget, freeing up \$8,947 to cover all of the proposed subcommittee budgets that had been submitted (totaling \$5,900). Ms. Sydlik will e-mail to the chairs of all subcommittees a summary of the budget proposal information.

Frequency of Meetings: The members discussed the frequency of SFLAC meetings, particularly the change from bimonthly to quarterly. The group's consensus was to retain the quarterly meeting schedule due in large part to the effectiveness and work of the subcommittees. It was suggested that the SFLAC meetings would benefit from having more time rather than increasing their frequency. It was agreed to attempt to set the next year's scheduled meeting times from 12:00 Noon to 4:30 p.m. Ms. Sydlik and Jim Adams will research prospective meeting locations given this new time frame and report at the next meeting.

SFLAC Liaison Report: Judge Leggert filed a positive report on her visit to Lincoln County LFLAC meeting.

NEW BUSINESS

National Council of Juvenile and Family Court Judges: Stephen Adams encouraged SFLAC members to attend the NCJFCJ annual conference, which will be held in Portland on July 18-21. Judge Koch briefly reviewed the scheduled speakers and their topics.

Discussion on Ruling: Stephen Adams briefly discussed a ruling in Colorado regarding the use of the word "victim." The court in that case decided that the use of the word "victim" was inappropriate since a factual determination of the individual's status had not been made. The source was the June 3rd issue of the New York Times.

Prepared by:
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Reviewed by:
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SFLAC Administrative Support

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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