



State Family Law Advisory Committee

Lane County Courthouse
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<http://www.ojd.state.or.us/familylaw>

Chair

The Honorable Karrie McIntyre
Eugene

Vice Chair

Debra Dority
Portland

Stephen Adams
Enterprise

The Honorable Sean Armstrong
Salem

Colleen Carter-Cox
Eugene

Ryan Carty
Salem

Kate Cooper Richardson
Salem

Angie Curtis
7th Judicial District

Dr. Adam Furchner, Ph.D.
Portland

Linda Hukari
Salem

Lauren Mac Neill
Oregon City

Samantha Malloy
Ashland

The Honorable Patricia McGuire
Portland

The Honorable Dawn McIntosh
Astoria

The Honorable Senior Judge Keith Raines
Hillsboro

Staff – JFCPD Family Law Program

Nanci Thaemert
Bryan Marsh
Amy Benedum
Melissa Dablow

STATE FAMILY LAW ADVISORY COMMITTEE SPRING 2021 ANNUAL REPORT

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

The Statewide Family Law Advisory Committee Report Spring 2021

MEMBERSHIP

Current 2021 Members:

Chair – The Hon. Karrie K. McIntyre (Lane County Circuit Court)
Vice Chair – Debra Dority (Attorney, Statewide Support Oregon Law Center)
The Hon. Sean Armstrong (Marion County Circuit Court)
The Hon. Patricia McGuire (Multnomah County Circuit Court)
The Hon. Dawn McIntosh (Clatsop County Circuit Court)
The Hon. Keith Raines (Sr. Judge, Washington County Circuit Court)
Stephen Adams (Mediator, Wallowa County)
Colleen Carter-Cox (Program Coordinator, Family Court Assistance Office, Lane County Circuit Court)
Ryan Carty (Attorney, Marion County)
Angela Curtis (Trial Court Administrator District 7, Sherman, Wasco, Gilliam, Wheeler, and Hood Counties)
Dr. Adam Furchner, Ph.D. (Psychologist, Portland)
Linda Hukari (Trial Court Administrator, Marion County)
Lauren Mac Neill (Mediation Services, Clackamas County)
Samantha Malloy (Attorney, Jackson County)
Kate Cooper Richardson (Director/Attorney, Dept. of Justice Division of Child Support, Salem)

Members resigned 2020:

William Howe (Attorney, Portland)
Amy Bonkosky (Trial Court Administrator, Crook/Jefferson Counties)
Tina Qualls (June – midterm) (Trial Court Administrator, Jackson County)

OJD Staff Support:

Nanci Thaemert, Director, JFCPD, OJD
Bryan Marsh, Family Law Analyst, JFCPD, OJD
Amy Benedum VAWA and Program Analyst, JFCPD, OJD
Melissa Dablow, Management Assistant, JFCPD, OJD

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 15–18 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. The SFLAC and its subcommittees are committed to supporting successful family law policies, reforms and programs that serve all individuals and families who access Oregon's courts. We believe we can do so only with a diverse membership which actively cultivates a culture of equity and inclusion. Thus, we are committed to seeking out and strongly encouraging applicants to apply who are Black, Indigenous, Latinx and persons of color; LGBTQIA2+ individuals; veterans; persons with disabilities; and persons from other traditionally underrepresented communities.

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

Service on SFLAC requires a substantial time commitment. Meetings are quarterly (typically March, June, September and December), usually on Fridays, and last up to four hours. When meetings were held in person, they were generally in Portland at the Oregon Department of Justice building, with one meeting a year in another part of the state. Members are actively involved and generally serve on one or more subcommittees. Service on the subcommittees requires 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, the SFLAC benefits when the subcommittees pull from a broader pool of members for insight and contributions. Many SFLAC members have contributed prior service on a subcommittee, and we have started asking applicants interested in serving on the SFLAC to get involved with one of our subcommittees first.

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 not required. This refreshing dynamic allows the group to tackle tough issues with fervor and 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 and SCA. 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. [All Presiding Judges are required to constitute a FLAC to address policy on family law issues in their county, though some counties remain dormant.]

THE WORK OF 2020

In addition to the specific work outlined by the subcommittees below, the Covid-19 pandemic brought many opportunities for important work by the SFLAC and its subcommittees. Each subcommittee has shared information about this work below, but the SFLAC also worked on two important projects related to the pandemic. First, shortly after Governor Brown restricted travel and gatherings in Oregon, many parents and their attorneys were unsure whether and how the new restrictions would affect parenting time. The SFLAC promptly drafted, discussed, edited, and eventually approved guidelines for parents sharing custody or parenting time during the pandemic:

[Oregon Statewide Family Law Advisory Committee \(SFLAC\) Recommendations for Oregon Courts: Information for Parents sharing Custody or Parenting Time of Children During the COVID-19 Pandemic.](#) This resource was widely distributed, and we have received significant positive feedback and indications that this guidance considerably reduced litigation during the early months of the pandemic and continuing through the present as statewide restrictions continue to present challenges to families.

The second project the SFLAC worked on together involved many rounds of feedback provided pursuant to Chief Justice Walter's request for input on providing remote services during the pandemic. Each subcommittee reviewed these recommendations, and many provided substantial feedback. The SFLAC compiled the input in a single 20+ page report (with an additional 30+ pages of exhibits including direct input from some subcommittees). This comprehensive document was shared with the presiding judges throughout the state to evaluate which of the recommendations would be appropriate and feasible in their jurisdictions.

In addition to the Covid-specific work, many members of the SFLAC are called upon in their various capacities to provide independent insight regarding family law policies to both to the Courts and legislature. It is fairly common to see SFLAC members providing testimony or informational interviews to state legislators or committees involved in specific family law bills. While these presentations at the Capitol are not within the charge and purview of the work of the SFLAC, it is an additional way that the members are staying involved in local and state efforts to shape and inform family law policies.

SUBCOMMITTEE SUMMARIES

Several subcommittees of the SFLAC undertake the bulk of the SFLAC work. 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. The currently active subcommittees are listed below with a summary statement regarding recent achievements.

With the pressing and unique shift occurring in the courts as a result of the Covid-19 pandemic, SFLAC's subcommittees have kept at the forefront of their work the innovations that have already occurred and are striving to define the "new normal" that will likely shape up in the

coming years. Each subcommittee has made specific Covid-19 recommendations for the Oregon Courts and will endeavor to capitalize on the momentum of positive changes in the courts to better serve Oregon families.

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PARENTING INVOLVEMENT AND OUTREACH COMMITTEE – Spring Report 2021

Chairs: Dr. Adam Furchner, Ph.D. and The 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/Education, Portland), Tracey Vogeltanz (Multnomah County Family Court), Dr. Wendy Bourg, Ph.D. (Psychologist, Portland), Kathleen Zumpano (Child Specialist, Portland), Vicki Bruno (Mediator, Portland), Brenna Moore (Attorney-Mediator, Umatilla County)

Staff: Amy Benedum (JFCPD, OJD)

What is the goal/focus of the subcommittee?

Provides 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 materials for professionals and the public related to family situations where the child is refusing or resisting parenting time. This includes considerable research into the existing academic articles on the topic. There is a diverse group of experts in the subcommittee who eagerly share their research materials as well as practical and anecdotal approaches to serving children and families. There has been a deep dive into the literature and lengthy discussions about how to move forward with this topic. This topic is pressing nationwide currently and is of interest to most of us who work closely with family courts.

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

We expect that our current project may have many stages and a series of products. We hope to offer information through written materials, video releases, and presentations. As mentioned above, this particular dynamic of resist/refuse is complicated and is ripe for education and ultimately intervention by the Courts. It will require thorough education and foundation for our continued efforts to provide recommendations to the SFLAC and Chief.

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 complete several major projects as well as a wealth of more minor materials. An incomplete list of work is detailed below:

2020 – [Third Party Supervisors/Supervised Parenting Time](#). Materials including tools and instructions for litigants and third-party supervisors as well as sample court orders for judges related to third-party supervised parenting time.

2015–2019 – [Birth Through Three Toolkit](#) and associated presentations, materials, and trainings around the state.

2011 – [Parenting Education: What Works Best?](#)

2010 – [Custody and Parenting Time: Summary of Current Information and Research](#)

2010 - [Qualifications for Appointment and Training of Parenting Coordinators, Custody Evaluators, and Parenting Time Supervisors](#)

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

The greatest challenges for the courts and involved professionals in almost all of the issues we address occur for non-represented litigants and low-income families. We are trying to redouble our efforts to provide recommendations for the courts that acknowledge income disparities and the lack of resources that confront many families.

DOMESTIC VIOLENCE – Spring Report 2021

Chair: Debra Dority (Oregon Law Center)

Members: Amy Benedum (JFCPD OJD), Cheryl O’Neill (DHS, Child Safety Unit), Diana Fleming (CVSSD, DOJ), Dr. Sheldon Levy (OHSU Dept. of Family Medicine), Samantha Benton (Attorney, Hood River), Jennifer Gardiner (Attorney and Pro Tem Judge, Marion County Circuit Court), Sarah Sabri (Sr. Asst Attorney, DOJ), Hon. Patricia McGuire (Multnomah County Circuit Court), Hon. Dawn McIntosh (Clatsop County Circuit Court), Shana Falb (OJD Facilitator, Deschutes County,) Emily Brown-Sitnick (Legal Aid Services of Oregon, Multnomah, Clackamas, Hood River, Sherman, and Wasco Counties), Kathryn Moakley (University of Oregon DV Clinic Supervisor) and Samantha Malloy (Attorney, Jackson County) *Hon. Maureen McKnight (Sr. Judge, Multnomah County Circuit Court) as *interested party/retired*.

Staff: Amy Benedum (JFCPD, OJD)

What is the goal/focus of the subcommittee?

To advise the Chief Justice regarding issues, legislation, and resources relating to domestic violence, and provide resources for the same.

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

The subcommittee is in the process of finalizing the “Stalking Bench Book,” a resource for judges that is similar to the existing FAPA and EPPDAPA Bench Books. As we created the Stalking Bench Book from scratch, it was the primary focus of 2019 and 2020. The subcommittee has begun work on the “Firearms Bench Sheets,” designed to be quick reference tools for Judges for firearm prohibition and dispossession protocols in both civil and criminal proceedings. We plan to coordinate with the SFLAC Data Subcommittee on future efforts to simplify the dispossession process.

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

In addition to finalizing the Stalking Bench Book and Firearms Bench Sheets, our long-term priorities include updating the FAPA and EPPDAPA Bench Books. The subcommittee also plans to conduct additional research on best practices and develop resources to assist Oregon courts as they move toward becoming a more trauma-informed system.

Generally, the subcommittee will continue to do the following:

- Propose updates and changes to court forms, materials, and resources regarding domestic violence (including developing updates to the FAPA Bench Book and the EPPDAPA Bench Book, and the Stalking Bench Book when necessary).
- Support education of the bench and bar related to domestic violence, sexual assault, and stalking.
- Propose and provide speakers for the SFLAC Conference on domestic violence, working with trauma survivors, and firearms.
- Support the implementation of the firearm dispossession protocols (per 2019's HB 2013), including providing training and resources.
- Advise the Chief Justice on issues relating to domestic violence.

Finally, the DV Subcommittee supports and hopes to participate in the reactivation of a firearms taskforce to help with the implementation of recent firearms protections related to domestic violence.

What are the subcommittee's top accomplishments?

The development of Stalking Bench Book is our most recent significant accomplishment. The feedback from those judges who have reviewed the latest draft has been overwhelmingly positive.

The DV Subcommittee, at the request of Chief Justice Walters, provided a number of recommendations regarding the use of remote hearings and provision of other remote services during the Covid-19 pandemic. These included important input on how courts could best continue to provide timely access to protective order proceedings, and other family law-specific services, in a manner that remained trauma informed. These recommendations were provided both as part of the full SFLAC Report and in whole as an attachment to the SFLAC Report to Chief Justice Walters.

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

There were many obstacles discussed in the recommendations on remote services provided to the Chief Justice, as well as some proposed solutions. Once Oregon (and the Courts) are “fully open” after the pandemic, it is expected that many survivors of domestic violence who were previously unable to access services will finally be able to do so. The need for restraining orders and family law matters is likely to increase at that time. The input of the DV Subcommittee on remote services included recommendations that many remote services continue even after the pandemic to ensure as much access as possible. There may be some challenges for the courts to continue and improve such services and, unfortunately, the increase in need at that time may be more than OJD has resources to handle.

As stated above, the DV Subcommittee remains motivated to support the implementation of the firearm dispossession protocols. Because such implementation will require cooperation by a number of stakeholders, significant time investment, and potentially financial support, the implementation has been difficult. These new protocols will likely require tracking by OJD and DOJ (for enforcement via contempt) of the timing of qualifying protection orders and qualifying misdemeanor crimes, and whether respondents/defendants filed the mandatory dispossession declarations (which are often not getting filed). Such tracking may require an examination of limitations of Odyssey and communication between OJD and DOJ.

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Chapter 125 Subcommittee

It was decided at the outset of 2021 that this particular subcommittee is doing significant and substantive work in the arena of guardianships and conservatorships together with community partners like WINGS. This subcommittee had an independent and direct line to the Chief Justice and SCA as the Covid pandemic CJOs were being crafted. This group is active and led by Judge Holland and Judge Cobb. This subcommittee will no longer be under the umbrella of the SFLAC as this area of law is uniquely different from much of the current SFLAC work.

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MEDIATION SERVICES – Spring Report 2021

Chairs: Lauren MacNeill (Clackamas County Mediation Services) and Caitlyn Jackson (Lane County Youth Services/Mediation)

Members: Laura Bisbee (Multnomah County Family Court Services), Amy Bonkosky (Trial Court Administrator, Crook/Jefferson Counties), Cindy Carr (Washington County Juvenile/Mediation Services) Angie Curtis (Trial Court Administrator 7th District), Hon. Karrie McIntyre (Lane County Circuit Court), Kristin Jocums (Private Court-Connected Mediator), Brian Reeves (Adapt Family Mediation, Douglas County) AJ Wahl (Private Attorney Court-Connected Mediator, Clatsop County)

Staff: Amy Benedum (JFCPD, OJD)

What is the goal/focus of the subcommittee?

The SFLAC Mediation Subcommittee was created:

- To ensure that all family law litigants have access to court-connected mediation services in cases involving minor children in which custody or parenting time is in dispute;
- To make recommendations to ensure adequate funding for mediation services;
- To make recommendations regarding mediator resources including best practices, trainings, and support.

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

- Survey counties to identify programs, core services, and other funding available in local communities to help identify key accomplishments, concerns, and unmet needs of county programs. Create a comprehensive list of court-connected domestic relations mediators from this survey.
- Review quarterly data. Interpret the data to develop statewide recommended best practices.
- Make recommendations for mediator training opportunities through OSCA.
- Review court-connected mediator minimum training requirements and, if appropriate, make recommendations for updated training requirements through an equity and inclusion lens.
- Stay current in domestic relations mediation best practices and encourage innovative services.

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

The subcommittee's top long-term priority is making recommendations to ensure sufficient funding so high-quality domestic relations mediation is available statewide to all eligible litigants regardless of their ability to pay.

What are the subcommittee's top 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 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.

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

- The largest challenge for courts in implementing the recommendations from the mediation subcommittee is the existing limited statewide funding for mediation. The proposed mediation/conciliation Current Service Level and Chief Justice’s Recommended Budget amount for the 2021-2023 biennium is lower than the 2007-2009 biennium funding levels.
- Lack of uniformity on reporting information.
- Lack of clearly identified resources providing the court-connected mediation.
- Lack of recruitment for court-qualified mediators.



EDUCATION SUBCOMMITTEE – Spring Report 2021

Chairs: Colleen Carter-Cox (Program Coordinator Family Court Assistance Office, Lane County) and Hon. Keith Raines (Sr. Judge, Washington County Circuit Court)

Members: Hon. Karrie McIntyre (Lane County Circuit Court), Hon. Kelly LeMarr (Washington County Circuit Court) Debra Dority (Statewide Support Unit Attorney, Oregon Law Center), Hannah Marchese (Court Facilitator, Jackson County), Elizabeth Vaughn (Court Operations Supervisor, Clackamas County), Bryan Marsh (JFCPD, OJD), Nanci Thaemert (Supervisor JFCPD, OJD), Melissa Dablow (JFCPD, OJD)

Staff: Bryan Marsh (JFCPD, OJD)

The group is currently looking for new members.

What is the goal/focus of the subcommittee? The goal of this subcommittee is to identify educational needs for OJD staff as well as both internal and external customers and develop and implement materials and resources including pamphlets, videos, webinars, and trainings/conferences to address these needs.

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

- Increase subcommittee membership to expand diversity of viewpoints.
- Develop education materials through videos and trainings for both litigants and facilitators regarding use of technology such as Webex for providing facilitation services by remote means.

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

- Create and maintain an online training manual for facilitators on the OJD SharePoint site
- Continue to plan and oversee the Family Law Conference and Family Law Facilitator Training, in alternating years.

What are the subcommittee’s top accomplishments?

- The recent overhaul of the trial preparation pamphlet, “Divorce and Custody Trials in Oregon.” The revised version includes an updated look with fresh graphics and incorporates changes in laws and procedures plus information about new programs such as IDRT. The pamphlet was also restructured to pull out specific issues in order to provide comprehensive information in a more organized format in appendix form. The pamphlet is available in [English](#) and [Spanish](#).
- The subcommittee provided valuable input for the SFLAC’s report to the Chief Justice regarding Remote Appearances.
- After the in-person Facilitator Training planned for April 2020 was cancelled due to Covid-19, the subcommittee seamlessly coordinated monthly remote presentations and training opportunities for Family Law Facilitators. The monthly sessions incorporate not only the topics planned for the April 2020 training, but also address topics that are relevant to the current time, including information about remote delivery of facilitation services. These sessions are recorded and posted to the shared Family Law Facilitator site on SharePoint.

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

- Continuing to bridge the divide with the technology side of OSCA.
- The financial and technology resources to produce educational materials such as videos, and coordinate conferences and trainings.
- The notable difference in the operating needs and procedures between judicial districts in Oregon can make statewide education a challenge.

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FUTURES SUBCOMMITTEE – Spring Report 2021

Chairs: Ryan Carty (Salem Attorney) Beginning Jan 2021, William Howe (Former Vice Chair term ended Dec 2020)

Current Members: Stephen Adams (Retired Attorney Mediator, Wallowa County), Hon. Sean Armstrong (Marion County Circuit Court), Colleen Carter Cox (Family Court Facilitator Lane County OJD), Valerie Colas (Staff Attorney OJD OSCA), Christine Hill (Multnomah County OJD), Linda Hukari (Trial Court Administer, Marion County), William Howe (Attorney, Portland), John Grant (Attorney, Portland), Eric McClendon (OSB), Samantha Malloy (Attorney, Jackson County) Hon. Karrie McIntyre (Lane County Circuit Court), Shawn Menashe (Attorney, Portland), Hon. Maureen McKnight (Sr. Judge Multnomah County Circuit Court), Hon. Daniel Murphy (Sr. Judge Linn County Circuit Court), Nanci Thaemert (JFCPD, OJD)

Staff: Bryan Marsh (JFCPD, OJD)

What is the goal/focus of the subcommittee?

The Futures Subcommittee remains committed to its vision to reimagine “Court” as a service and process rather than a specific place where trials and hearings occur. By so doing, we strive to imagine and assist to implement avenues for more and better legal services. Specific focuses include:

- **Optimizing existing court personnel and resources:** This commitment includes the transition from an assumption of resolution through trials/hearings to one that utilizes the wealth of experienced judges, excellent court personnel and underutilized prior innovations.
- **Placing a focus on early and frequent intervention in legal disputes:** This focus is designed to encourage swifter case conclusion that avoids the long-term collateral damage of protracted court proceedings.
- **Embracing ideas, innovations, and lessons learned throughout the Covid-19 pandemic:** Recent changes to our courts and the way we interface with end-users have the capacity to both redefine and improve our legal system to better serve the majority of self-represented Oregonians.
- **Continuing examination and innovation of established rules and procedures:** This focus ensures we are informing future projects with an eye on what is in place today and areas where things are operating smoothly versus areas where we can better meet and address the changing dynamics faced by today’s families and typical court customers.

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

- **Remote Access Initiative.** Unfortunately, and ironically, the launch of the Remote Access Initiative was delayed in some counties by the pandemic. Other counties have fully embraced remote facilitation. Ongoing efforts include the transition to a statewide Voice Over Internet Protocol (VoIP) by the OJD Enterprise Technology Division that will ensure a consistent and uniform phone system/number for utilization in remote facilitation. The improved participation rate reported by some counties is a testament to the success this program can deliver to courts (e.g., Lane County reduced its “no show” rate from 14.65% in 2019 to 6.2% in 2020).
- **Remote Proceedings.** The Futures Subcommittee is continuing to gather data and propose solutions to refine and enhance remote hearings and trials in an effort to improve the process. This focus includes solutions to the current pandemic-driven processes and proposals for how to ensure that post-pandemic courts are best able to reduce barriers to individuals who have historically had difficulty engaging in the process due to childcare, transportation, employment and other complications.

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

- Continue efforts to facilitate remote access to courts in appropriate areas that expand beyond facilitation services.
- Promote systems that support access to justice (e.g., create new rule for filing fee waivers and deferrals electronically, pilot program for allowing litigants to self-schedule court appearances such as status conferences, etc.).
- Identify case type specific triage that will target and streamline processes to provide early and frequent interventions that will help resolve cases without resorting to drawn-out litigation that ends in trials and hearings. Examples include case conferences, judicial settlement conferences, interim relief through written submissions, etc.

What are the subcommittee’s top accomplishments?

- **Remote Access Initiative:** While the Remote Access Initiative has been delayed due to the Covid-19 pandemic, the groundwork laid by the Futures Subcommittee and partnering courts provided a means for some courts to quickly and efficiently transition to remote facilitation at the onset of the pandemic. Seeing results such as Lane County’s 8.45% drop in “no shows” in its facilitation program demonstrates that this program works and can significantly improve a critical service that courts provide end users. The early successes of the Remote Access Initiative are a product of a years-long effort by this subcommittee.
- **Comprehensive Report to the Chief.** Last fall, the Futures Subcommittee, on behalf of the State Family Law Advisory Committee, recommended procedural modifications in light of the Chief Justice’s Covid-19 Orders. These recommendations were offered to: (1) maintain health and safety of litigants and court employees during the pandemic; (2) promote access to justice; (3) ensure the continuing efficient delivery of court connected conflict resolution services, both during the pandemic and continuing in the future. That report offered suggestions to maintain and, where necessary, modify existing processes, tools, and approaches. In addition, and in light of the innovation imperative of the pandemic, the recommendations proposed broader solutions to meet existing barriers to access to justice with the widely and recently adopted technologies. The Futures Subcommittee intends to build upon this momentum of rapid adoption of technology and new paradigms to better serve Oregonians by removal of barriers to justice.

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

The greatest challenge in implementing the recommendations from the subcommittee is that the legal industry is entrenched in a preference for the status quo. This is not a new dynamic. The legal industry has long lagged behind private business when it comes to embracing new technologies and changing practices to better suit an increasingly diverse demographic of users. But as technology continues to advance at an ever-increasing pace, users have different expectations for what their interactions and experiences with courts will look like. Users of today prefer text messages to emails, and would rather click a button on an online form than talk to a person behind a desk. The court needs to recognize these changes in how its constituents desire to interface, and pivot to accommodate these desires in a way that ensures better access to justice for all Oregonians—particularly in underserved populations.

When changes are made, they must be made on a uniform basis, to the extent possible. It is difficult for the consumer (and those attempting to serve the consumer) to navigate an already confusing and difficult process when simple things like status conferences or temporary motions are handled differently on a county-to-county basis. Yet because our industry is entrenched in a long-standing desire to embrace the status quo, such moves to uniformity are often met with resistance at a county level. Education and encouragement will be a critical part of whatever innovations the court takes on as we launch forward out of the pandemic.



DATA SUBCOMMITTEE – Spring Report 2021

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

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

What is the goal/focus of the subcommittee? The focus of our committee is prioritizing the data reports that can be obtained and developed from the Odyssey case management system to provide relevant and practical information to the OJD, our community partners, and the legislature, all in an effort to further the mission and goals of the OJD.

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

- Continue working on data refinements to the Restraining Order dashboard.
- Working with OJD to ensure better consistency in data quality. Identify areas of necessary court staff training.
- Create a training webinar for courts to highlight data dashboards and promote the goal of consistency in data quality across the state.

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

- Promote systems for sustainable collection of statewide data that is high in consistency and quality.
- Provide relevant and practical data-driven information to OJD for use in planning and implementation of programs, drafting budgets, allocating resources, requesting legislative funding, etc.

What are the subcommittee's top accomplishments?

The data dashboard currently available through the OJD portal is already changing how courts process files and pleadings. The dashboard is being utilized in statewide TCA meetings to drive discussions on data entry, staff training, etc. Individual counties are able to assess effectiveness of data collection by comparing data available on the dashboard. Counties are also able to correct data entry issues. This centralized database has facilitated improvements in data collection procedures that will continue to get better over time.

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

Recommendations from the Data Subcommittee typically have to do with data gathering. We need consistent data quality in order to have a meaningful and reliable end product. Our recommendations regularly focus both on how data gets to the courts and how that data is then entered into the Odyssey system.

Because these recommendations necessarily implicate training, this creates a burden on courts to (1) identify where data gathering and entry issues exist within their current framework, and (2) train staff how to avoid and eliminate issues and errors. These steps take time and resources, hence the push from the subcommittee to create webinars that support the training necessary to refine the data process.

Court must have uniform policies and procedures on a statewide level. While there has been a push for more uniformity in the data entry process since the implementation of the eCourt system, there is still a long way to go. Not all courts utilize correct Odyssey codes for specific pleadings. Not all mediators return mediation reports. Not all attorneys utilize correct codes when filing pleadings and other documents. This is an education issue that we are working with both OJD staff and TCAs to address. Progress has already been made, but courts will have to continue making data quality a strong focus of staff training. In some instances, it is simply an awareness issue – a court may not realize pleadings are being entered with an incorrect code. Once this type of information has been provided to a court, the responses have been positive.

MEMBERSHIP SUBCOMMITTEE – Spring Report 2021

Chair: Debra Dority (Vice Chair, Oregon Law State Support Attorney) Beginning Jan 2021
William Howe (Former Vice Chair term ended Dec 2020)

Current Members: Stephen Adams (Mediator, Wallowa County), Colleen Carter-Cox (Program Coordinator, Lane County) Hon. Karrie McIntyre (Lane County Circuit Court)

Members whose terms ended December 31, 2021: Amy Bonkosky (Trial Court Administrator, Crook/Jefferson Counties), William Howe (Attorney, Portland)

What is the goal/focus of the subcommittee?

Recommending and vetting nominees for the SFLAC membership to ensure a diverse, qualified, and hard-working group.

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

Onboarding new members, continuing to interview new interested members, and working on the long-term priorities outlined below.

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

The Membership Subcommittee's future goals include outlining how best to engage those with expertise and interest to contribute and get involved in the SFLAC, SFLAC subcommittees, or subcommittee workgroups. We are also focusing on the creation of onboarding resources for new SFLAC members. In addition, the Membership Committee renewed its commitment to ensuring that SFLAC supports successful family law policies, reforms and programs that serve all individuals and families who access Oregon's courts. We recognize we can do so only with a diverse membership. We therefore reached out to a number of the affinity/diversity bars and encouraged Black, Indigenous, Latinx and persons of color; LGBTQIA2+ individuals; veterans;

persons with disabilities; and persons from other traditionally underrepresented communities who may be interested in serving on the SFLAC to apply. We also have identified the need for the child’s voice in some capacity, perhaps through having a K-12 educator involved or someone with expertise in representing children.

What are the subcommittee’s top accomplishments?

The Membership Subcommittee has enlisted and recommended top-quality candidates to the SFLAC. The Membership Subcommittee recommended that the SFLAC nominate Ashland attorney Samantha Malloy and Hood River TCA Angie Curtis for membership on the SFLAC. The SFLAC members approved, and Chief Justice Walters appointed both to the SFLAC. Both Samantha and Angie have already provided significant contributions to the work of the SFLAC.

Finally, in 2020 the Membership Subcommittee interviewed more than 15 new people interested in joining SFLAC, many of whom have since joined subcommittees or subcommittee workgroups.

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

We are still working to identify resources for qualified candidates who will bring an important, and often missing, voice to the table. As indicated above, we have reached out to a number of affinity/diversity bars with the help of OJD’s Access to Justice Counsel, Valerie Colas. Ms. Colas and Membership Chair Debra Dority have also started discussing additional ways in which the SFLAC can benefit from the DEI work that OJD is completing.



CHILD SUPPORT SUBCOMMITTEE –Spring Report 2021

Chairs: Kate Cooper Richardson (Director, Division of Child Support, DOJ) and The Hon. Keith Raines (Sr. Judge, Washington County Circuit Court)

Members: Newly re-constituting in 2021; membership is evolving

What is the goal/focus of the subcommittee?

The Child Support Subcommittee focuses on matters specific to child support that intersect with other areas of family law, access to justice, and particularly on the business of the courts and Oregon Judicial Department.

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

The Child Support Subcommittee has been on hiatus for the last few years while the Department of Justice and Oregon Child Support Program undergo significant change with a new automated system and business processes. The impact of the pandemic on the Oregon Child Support Program extended the timeline to revive this subcommittee. The priority in the short term is to resurrect the subcommittee, identify continuing and new members, and reconvene to evaluate current issues and set priorities for future actions.

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

Although the subcommittee has not yet reconvened after its hiatus, an obvious long-term priority will be assisting and advising in the joint effort of OJD and DOJ to execute efforts to leverage the use of federal Title IV-D funds passed through the Oregon Child Support Program to the Oregon Judicial Department. This is a multi-prong effort reflecting a strategic priority for OJD that will involve collaboration and coordination among DOJ, OJD, and others and ultimately, it is hoped, lead to a child support referee structure.

What are the subcommittee’s top accomplishments?

Because the subcommittee has been on hiatus for some time, there is no recent accomplishment to highlight. A notable prior accomplishment was the creation of an interactive, web-based parenting plan tool for parents to use to create an appropriate parenting plan for use both in the calculation of child support and to file in court to make enforceable, if the parties wish. That tool resides on the OJD website.

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

N/A at this time.



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 focus on continuing to serve its statutory function of providing recommendations to the Oregon Judicial Department. The SFLAC is also strongly engaged in an effort to significantly and positively shape family law policy for the State of Oregon to benefit all those families who interact with the Court system. We have learned so much during the Covid-19 pandemic about what is possible when those dedicated to this work think creatively. The future work of the SFLAC will include considering what pieces of the new structures should be retained, how they should be improved, and what other processes can and should be implemented. We continue to actively engage in the work necessary to improve the family law system for families throughout Oregon.