

The Statewide Family Law Advisory Committee Report Spring 2022

Current 2021/2022 Members:

Chair - The Hon. Karrie K. McIntyre (Lane County Circuit Court)
Vice Chair – Debra Dority (Attorney - State Support Unit, 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 (Division Head/Attorney – Dept. of Justice Child Support Div. Salem)

Members resigned 2021: none

OJD Staff Support:

Nanci Thaemert
Bryan Marsh
Amy Benedum
Melissa Dablow
Nikki Hahn

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. Prior to the pandemic, meetings were held in person usually in Portland and Salem. This year, the SFLAC voted on the preference for the platform and format of meetings going forward. With the approval of OJD, the SFLAC chose to have three of the four meetings continue to be remote. The fourth meeting, will be held in-person as an all-day retreat where we can engage in substantive SFLAC project planning. The location will vary throughout Oregon, and we will use the annual meeting as an opportunity to connect with the local courts and community.

Members are actively involved and generally serve on one or more subcommittees. Service on the 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, 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 prior to considering joining the SFLAC.

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 policy 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 (SCA) 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.

THE WORK OF 2021 and early 2022

In addition to the specific work outlined by the subcommittees below, the ongoing Covid-19 Pandemic provided additional opportunities for the SFLAC to continue their important work. The individual subcommittee reports are listed below. The SFLAC, and its members individually, remain active throughout the State promoting the work of the SFLAC as follows:

- 1) OJD Change Management Workshops: the subcommittee chairs and SFLAC leadership participated in workshops to strategize implementing effective change to address duplication of efforts within OJD and community partners, and communication strategies moving forward.
- 2) The SFLAC Family Law Conference 2021: Many of the subcommittee Chairs either presented (PIOS, Child Support, DV Sub) or recommended presenters/topics. The conference was attended by an interdisciplinary audience of 270 (not including those that viewed the recorded presentations after the conference). More details are included in the Education subcommittee report. Many speakers were SFLAC members, including: Kate Cooper Richardson, Colleen Carter Cox, Sr. Judge Raines, Judge McIntosh, Judge Armstrong, Debra Dority, Ryan Carty, Samantha Malloy, Judge McGuire, and Dr. Furchner.
- 3) Reconstituting Local FLACs: While all Presiding Judges are required to constitute an FLAC to address policy on family law issues in their county, some counties' FLACs remain dormant. The SFLAC has identified the importance of supporting the continued growth of local FLACs as an ongoing goal and are generating recommendations for OJD to facilitate implementing this statutory mandate. With broad outreach efforts, the SFLAC members have managed to reconstitute local FLACs in Marion, Washington, and Jackson, Lincoln, and Coos/Curry counties with other judicial districts making inquiries into a process to restart their dormant groups. This critical growth will continue to increase the flow of communication, information sharing and ultimately improve the work of OJD in serving Oregon families around the state.
- 4) Educational Information sessions to the legislature: SFLAC Chair, Judge McIntyre, and Vice-Chair, Debra Dority, presented to the Oregon House Judiciary Civil Subcommittee in Spring 2021. The presentation focused on Family Law 101, to provide legislators a basic understanding of the family law system, as family law bills were being considered during the 2021 session. With this presentation and the open invitation to the legislators to attend the SFLAC meetings, we are hoping to continue building relationships such that legislators recognize the SFLAC as a resource in the future when family law-related issues arise. This invitation has resulted in Amie Fender-Sosa, (Legislative Policy and Research Office of Legislature) to routinely join our meetings.
- 5) Strengthened the internal review of projects prior to approval by the SFLAC: When generating recommendations, we have created an expectation that projects will be vetted by each subcommittee before being forwarded to the SFLAC (and ultimately the Chief Justice and SCA)

for ultimate approval. This creates a broader audience for review and input to attempt to reach a meaningful consensus on projects and recommendations.

- 6) Strengthened Organizational Structure and enhanced recruitment efforts: SFLAC Chair and SFLAC Vice Chair met with the Chairs and Co/Vice Chairs of each of the subcommittees throughout 2021. The purpose of the meetings: 1) to ensure each committee had a co/vice chair and that they were each getting OJD staff support; 2) to afford the chairs an opportunity to discuss the subcommittee’s need for any particular voice or skill set not yet represented on the subcommittee; and 3) to determine whether there was anyone on their subcommittee they would recommend for the SFLAC. The meetings were also an opportunity to discuss how to keep the needs of self-represented litigants at the center of the work of each subcommittee as well as a discussion of the newly implemented plan to ensure each subcommittee has an opportunity to weigh in on the work of other subcommittees to allow for further vetting, rather than only have the input of the SFLAC members alone.
- 7) In early 2021, SFLAC was asked for and provided input to the OSB Paraprofessional Licensing Implementation Committee. In late 2021, SFLAC received a report and training on the final licensing recommendations from the implementation committee.

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 the Courts, the legislature, and as experts for organizations and conferences locally and nationwide. It is fairly common to see SFLAC members providing testimony or informational interviews to State legislators or subcommittees involved in specific family law bills. While these presentations at the Capitol and at various educational conferences 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 their local and state efforts to shape and inform family law policies.

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. 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 the SFLAC’s subcommittees have kept at the forefront of their work, the innovations that have already occurred and 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 strive to capitalize on the momentum of positive changes in the courts to better serve Oregon families.



PARENTING INVOLVEMENT AND OUTREACH COMMITTEE – Report Spring 2022

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

Members: Hon. Sean Armstrong (Marion County), Hon. Bethany Flint (Deschutes County), Hon. Dawn McIntosh (Clatsop County), 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).

Member Resigned: Linda Scher (2021)

Staff Assigned: Amy Benedum

What has been the goal/focus of the subcommittee in 2021?

PIOS has been working on 2 projects, both related to families who have a child who is resisting or refusing parenting time. The first is a handout that will be proposed for Judges in Oregon. The second will be a pamphlet for parents and professionals.

What are the subcommittee's top short-term priorities (within the next year)?

We are working to complete the two projects detailed above. We anticipate that we may need to accompany these materials with video or in-person trainings, which have been discussed, but not planned.

What are the subcommittee's top long-term priorities (within the next 5 years)?

We do not have well-articulated goals beyond our current projects but will continue to look for opportunities to create tools to assist family law practitioners and litigants especially the self-represented litigants.

What are the subcommittee's current projects and timelines for completion?

We hope to have our current projects completed within the next 2-3 months.

What are the challenges identified by your subcommittee in furthering your prioritized work?

Our challenges take 2 forms. We have a large, diverse and busy subcommittee, which makes coordinating meetings difficult. The diversity also poses challenges and benefits in moving efficiently. Our subcommittee takes on issues that can have a wide range of theoretical “positions” and political implications. At times we can bog down in our discussions of these larger issues. Leading the group demands that we find a way to honor these diverse opinions, while still moving efficiently to complete work.

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

None at this time.

What additional support would lend itself to improving the work of your subcommittee?
Our subcommittee has felt tremendously supported.

Does your subcommittee evaluate the needs of self-represented litigants within the framework of your projects?

Our goals, especially with this recent project, has been to specifically address the needs of self-represented litigants.

What are the subcommittee’s top accomplishments over the past five years?

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>

In 2020 our subcommittee produced materials related to supervised parenting time:

<https://www.courts.oregon.gov/programs/family/children/Pages/Supervised-Parenting-Time.aspx>

More recently in 2022, our subcommittee produced bench sheets to assist Judges in the resist/refuse dynamic:

<https://www.courts.oregon.gov/programs/family/Documents/Resist.Refuse.OJD.FL.pdf>

Any additional information you would like to share about your subcommittee experience:

None at this time.

Given SFLAC’s (and its subcommittees) commitment to supporting a family law system that serves all families, is there a perspective, voice, or subject matter expertise that you believe is missing from the SFLAC or your subcommittee?

We continue to work to include diversity in our subcommittee. Though we are reaching a maximum number of members, we have discussed inviting specific topic specialists from a range of backgrounds to join us for specific projects or just give input at a meeting or two.

Any suggestions for improved management or operation of the SFLAC at large?

None at this time.

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DOMESTIC VIOLENCE – Report Spring 2022

Chairs: Debra Dority (Oregon Law Center, Statewide) and Samantha Malloy (private attorney Rogue Family Law, Jackson)

Members: Amy Benedum (JFCPD OJD Statewide), Jenny Woodson (Domestic/Sexual Violence Program, DHS, Child Welfare), Diana Fleming (CVSSD, DOJ), Samantha Benton (private attorney, Hood River), Hon. Gardiner (Marion County Circuit Court), Sarah Sabri (Sr. Asst Attorney, DOJ), Hon. Patricia McGuire (Multnomah County Circuit Court), Hon. Dawn McIntosh (Clatsop County Circuit Court), Emily Brown-Sitnick (Legal Aid Services of Oregon – Multnomah, Clackamas, Hood River, Sherman and Wasco Counties), Kathryn Moakley

(University of Oregon DV Clinic Supervisor), Katie Haslinger (DV/SA Advocate, Saving Grace, Deschutes), and Samantha Malloy (Attorney – Jackson County). *Hon. Maureen McKnight (Senior Judge, Multnomah County) and Dr. Sheldon Levy (OHSU Dept. of Family Medicine) included as *interested persons*.

Staff Assigned: Amy Benedum (JFCPD)

What has been the goal/focus of the subcommittee in 2021?

The DV Subcommittee's goal is to advise the Chief Justice regarding issues, legislation, and resources relating to domestic violence, and provide resources for the same. In 2021, the DV Subcommittee focused on a few main projects:

First, updated and expanded the Firearms Benchsheets per 2019's HB 2013, which greatly expanded the class of protection order respondents and criminal defendants prohibited from possessing firearms.

- <https://www.courts.oregon.gov/programs/family/domestic-violence/Documents/Firearm.Benchsheet.Protection.Orders.pdf>
- <https://www.courts.oregon.gov/programs/family/domestic-violence/Documents/Firearm.Benchsheet.Protection.Orders.pdf>

Second, we conducted a statewide survey of domestic and sexual violence advocates and survivors regarding remote services for obtaining a restraining order in Oregon during the Covid-19 Pandemic. We also attended national listening sessions led by the National Council of Juvenile and Family Court Judges (NCJFCJ) during the summer of 2021 that included respondents to assess the adjustments courts made nationally and determine whether any aspects of the remote hearings should continue without regard to the Pandemic. The survey results and a summary of the findings of the different listening sessions were provided to members of OJD already working on surveys. The result was a recommendation that additional surveys that includes a wider pool, including more input from litigants on both sides, as well as providers of the services including Judges and court staff was needed.

Last, we also finalized the Stalking Bench Book in 2021, though the bulk of its creation was in 2020: <https://www.courts.oregon.gov/programs/family/domestic-violence/Documents/Stalking.pdf>

What are the subcommittee's top short-term priorities (within the next year)?

We have only recently finalized our last two projects from 2021 [update of Firearms Bench Sheets (Qualifying Protection Orders and Qualifying Convictions) and survey of advocates and survivors regarding remote restraining order hearings]. Our current 2022 project is to update the Family Abuse Prevention Act (FAPA) Bench Guide. In 2019, the standard to prevail at a contested FAPA hearing was amended by HB 3117. In addition, 2019's HB 2013 greatly expanded Oregon's firearms prohibition laws including the creation of a declaration and transfer procedure for qualifying protective order respondents. We will make these substantive legal updates to the Bench Guide. We also plan to include information on trauma-informed courtrooms and judicial practices from which judges can create a trauma-informed script to be

used at protection order hearings, as well as provide information on best practices for using interpreters.

In addition to updating the FAPA Bench Guide, we plan to create a mission statement to ensure the work of the DV Subcommittee remains focused. This may include a vision and purpose statement in accord with the best practices from the OJD Change Management training attended in 2021-2022. We have a list of additional projects under consideration, including solutions to the failure of law enforcement to respond to restraining order violations.

Finally, we have discussed the sections of the OJD website regarding DV resources and protection orders. When someone Googles “domestic violence Oregon” they are taken to the OJD website. We are discussing how to ensure that the website is providing survivors the resources they need in obtaining a protection order, while also being directed to other resources such as safety planning. OJD’s Amy Benedum is working on this effort and will bring it back to the DV Sub for further input.

What are the subcommittee’s top long-term priorities (within the next 5 years)?

Some long-term priorities include:

- Updating the Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA) Bench Book.
- Conduct research and provide resources on best practices to create a trauma-informed courtroom, particularly for domestic and sexual violence-related hearings/trials.
- Further implementation of Oregon’s firearm dispossession protocols including providing training and resources (such as our newly updated Firearms Benchsheets).
- Investigate the increased practice of law enforcement’s failure to respond to calls of protection order violations and analyze ways to ensure those protected by such orders remain protected.

We will continue the following work:

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

What are the subcommittee’s current projects and timelines for completion?

As we have only recently begun our present project of updating the FAPA Bench Guide, our timeline has not yet been determined. However, this will be the focus of 2022, which we hope to complete within the year.

What are the challenges identified by your subcommittee in furthering your prioritized work?

The DV Subcommittee has identified the need to clarify the mission and focus of this subcommittee to ensure that it is consistent with the work of other subcommittees and the SFLAC as a whole. That has informed our priority this year to create a mission statement using the OJD Change Management training resources to clarify and accord our shared values and establish processes to accomplish our mission.

Related, the DV Subcommittee conducted a statewide survey of domestic and sexual violence advocates and survivors regarding remote services for obtaining a restraining order in Oregon during the Covid-19 Pandemic. The survey was targeted to survivor/petitioners and advocates (persons present or support for person(s) seeking restraining order) but was more widely disseminated, such as to the OSB Family Law Listserv. There were 100 responses: 83 advocates, 8 survivors, 6 attorneys, 2 law enforcement officers and 1 family justice center staff member. Because the responses were mostly advocates, some were concerned that the results would not be informative without additional surveys of *providers* of such hearings (Judges, court staff, interpreter services, etc.) and *consumers* (litigants and their counsel). Because the subcommittee does not have the expertise nor resources to conduct such surveys, and because OJD was already engaged in survey work that we do not want to duplicate, it was determined that the results of the survey (as well as the summary of the NCJFCJ Listening Sessions referenced above) would be shared with Valerie Colas at OJD in case they are helpful for the survey work being used at that level.

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

Our subcommittee updated and expanded the Firearms Benchsheets per 2019's HB 2013, which greatly expanded the class of protection order respondents and criminal defendants prohibited from possessing firearms. However, preliminary statewide reports indicate that many qualifying respondents/defendants are still not following the required protocol to file a declaration and transfer firearms/ammunition. In addition, reports indicate that district attorneys are not filing the available contempt remedies when respondents/ defendants fail to file a declaration. We anticipate significant work remains ahead to ensure this important protection for survivors works as intended, including, increased communication between the courts (regarding which cases have not yet had a declaration filed) and the district attorneys' offices, for example.

What additional support would lend itself to improving the work of your subcommittee?

Specifically, the project relating to OJD's website could use some outside expertise not only in technology, but in adult learning styles to create the best resource for those in need of DV resources.

Does your subcommittee evaluate the needs of self-represented litigants within the framework of your projects?

Yes! Much of the survey focused upon petitioners in protection order hearings primarily because the vast majority of petitioners apply for POs and attend *ex parte* PO hearings without

representation of an attorney. In addition, one focus of our subcommittee has been working to include a trauma-informed lens to the work we do, which most benefits self-represented litigants.

What are the subcommittee’s top accomplishments over the past five years?

- Development of Stalking Bench Book;
- Update of the Firearms Benchsheets for both Qualifying Protection Orders and Qualifying Convictions;
- Proposed DV-related trainings/trainer for the SFLAC Conferences and Facilitator Trainings;
- Provision of detailed input on remote court services during the beginning of the pandemic, including recommendations for a safety-informed and a trauma-informed response;
- Suggested changes to the protection order forms provided by OJD.

Given SFLAC’s (and its subcommittees) commitment to supporting a family law system that serves all families, is there a perspective, voice, or subject matter expertise that you believe is missing from the SFLAC or your subcommittee?

Our subcommittee will benefit from inclusion of the voice and experience of folks from non-dominant culture, particularly in race and/or ethnicity, LGBTQIA+ status and persons with disabilities. We will also benefit from including those who are or have been users of the system- both former family law litigants and survivors.



MEDIATION SERVICES –Report Spring 2022

Chairs: Lauren MacNeill (Clackamas County Mediation Services) and Caitlyn Jackson (Lane County Family 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), Kristin Jocums (Peaceful Family Solutions, Private Mediator, Benton), AJ Wahl (Private Attorney Court Connected Mediator, Clatsop County)

Staff Assigned: Amy Benedum

What has been the goal/focus of the subcommittee in 2021?

- The focus of the SFLAC Mediation Subcommittee in 2021 was (1) to ensure that all family law litigants have access to court-connected mediation services to assist them in understanding and coming to an agreement about issues between them; (2) to inform and support the OJD and mediation services statewide about best practices and innovative programs; and (3) to make recommendations to ensure adequate funding for robust services.

What are the subcommittee's top short-term priorities (within the next year)?

The Mediation Subcommittee's top short-term priorities are to:

- Make recommendations to address ongoing mediation funding challenges;
- Participate in OJD's efforts to review and update the court-connected mediator qualification requirements outlined in Chief Justice Order No. 05-028 and participate in the stakeholder process to explore moving those requirements to the Uniform Trial Court Rules;
- Make recommendations regarding the dedicated OJD Alternative Dispute Resolution position that, once filled, will be responsible for monitoring and supporting court-connected domestic relations mediation throughout Oregon;
- Review quarterly data and interpret said data to develop statewide-recommended best practices;
- Make recommendations for mediator training opportunities through OSCA;
- Support the development of resources for family law stakeholders and mediators regarding court-connected mediation; and
- Stay current in domestic relations mediation best practices and encourage innovative services.

What are the subcommittee's top long-term priorities (within the next 5 years)?

- 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 current projects and timelines for completion?

- Create a resource by fall of 2022 for attorneys whose clients are participating in court-connected mediation services.
- Participate in OJD's stakeholder efforts to review and update the court-connected mediator qualification requirements outlined in Chief Justice Order No. 05-028. Participate in the stakeholder process to explore moving those requirements to the Uniform Trial Court Rules. The timeline of this project will be determined by OJD and the UTCR Committee.
- Make recommendations to increase statewide mediation funding to enable adequate funding for increased access to mediation services. This is an ongoing project.

What are the challenges identified by your subcommittee in furthering your prioritized work?

- Aside from the significant funding challenges for court-connected domestic relations mediation services across Oregon, the largest challenge identified by the mediation subcommittee in furthering the subcommittee's work is the lack of a full-time dedicated position at OJD whose responsibility is to monitor court-connected domestic relations mediation throughout the state. We are heartened by OJD's plan to onboard a full-time position for Alternative Dispute Resolution services and we hope that this position will be able to move forward many of the mediation subcommittee's initiatives; we are also aware of the significant work load associated with this position's project priorities and believe that the work of this committee and statewide domestic mediation services will benefit most from having a full-time position. We recommend that OJD staff person take on the following duties:
 - Support statewide mediation budget initiatives to address historic underfunding including: reviewing the existing funding distribution chart to determine if funds are being distributed to Counties equitably and appropriately for service levels being offered;

creating policy option packages to request adequate funding for mediation services; and creating a system of reporting regarding use of mediation funds.

- Determine a process for reviewing and likely updating the CJO 05-028 governing court-connected mediator qualifications; participate with other interested parties (for example the recently convened UTCR effort) to determine the appropriate location and terms of any new set of rules regarding mediator qualifications.
- Regularly attend the Mediation Services Subcommittee meetings, bring questions for the subcommittee to advise upon and generally serving as a liaison between the subcommittee and OJD.
- Develop a periodic review process for the Mediator Reports currently being submitted by mediators to OJCIN as part of the ongoing data project, and contact courts when their results seem incorrect in order to ensure timely and accurate reports so that the ultimate data reported statewide will be accurate and complete. Participate with the subcommittee in considering trends as shown by the data collected and in making best practice recommendations.
- Coordinate with OSCA to offer ongoing continuing education opportunities for court-connected mediators.
- Contact each judicial district to determine who is the appropriate point of contact for court-connected domestic relations mediation there, and developing and maintaining a list of all current, qualified mediators in that judicial district.
- Develop (revive) the process for these mediators to report their continuing education hours as required under CJO 05-028. (There is currently no oversight or accountability on this issue).

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 state-wide 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. We strongly recommend increased attention to this issue such that sufficient funding is made available statewide, with a transparent mechanism for both how the funds are distributed on a biennial basis and accountability from service providers regarding how the funds are used. We further recommend that the funding mechanism be one that provides for appropriate periodic increases without the need for policy option packages to cover the increased costs of providing services.

The previous sentence notwithstanding, given that there are currently no identified avenues for remedying the ongoing and significant underfunding of statewide domestic relations services, we strongly recommend OJD put forth a Policy Option Package to increase each County's mediation funds for the next biennium. This committee has over ten years of documentable data regarding the stagnant underfunding of statewide mediation services and the many negative—and

substantial—impacts of such underfunding including mediation services being cut (for example, services being offered for only part of the year in some counties, decreased mediator positions for mediation programs, decreased total mediation hours available per case, and increased caseloads—often unsustainably so—for existing mediators). While the committee can describe at length the harmful outcomes of less than adequate statewide mediation funding, we invite the SFLAC and OJD to consider: how much more can we do for family law litigants if we adequately fund domestic relations mediation services?

While the mediator report data has limitations, it provides a sense of the services being offered. In 2021, mediators submitted 4,614 mediator reports that indicated the parties participated in mediation. From those reports, 51.7% of cases reported that the parties reached one or more agreements during mediation; 31.5% of the mediator reports indicated the parties had reached a full agreement at the time of the final mediation session. The mediator report data does not include data on how many parents resolved remaining matters on their own after mediation ended, nor does it include specifics on how many parents ended up needing a trial despite reporting a full agreement in mediation. And, the reports may or may not account for financial matters being resolved depending on the jurisdiction. However, basic data exists for which we can compare our current mediation services, time spent mediating, number of children served per case, and the funding levels per jurisdiction. A basic review will highlight the significant gaps in statewide mediation funding. With many counties facing upcoming mediation service cuts (and many having already made service cuts), we strongly recommend OJD put forth a Policy Option Package to increase each County’s mediation funds for the next biennium. We invite you to envision what might be possible for family law litigants, mediation services, and the courts with adequate statewide mediation funding. How can we maximize mediation funding to ensure (and increase) client access to domestic relations mediation services? How can we guarantee quality mediation service delivery rooted in best practices? And how can we further minimize the amount of court time needed to resolve matters that family law litigants can resolve on their own in mediation?

What additional support would lend itself to improving the work of your subcommittee?

- The most essential support needed that the SFLAC make recommendations in support of OJD putting forth a POP for the next biennium to increase each county’s mediation fund.
- Having a full-time dedicated position at OJD whose responsibility is to monitor court-connected domestic relations mediation throughout the state would vastly improve the work of the subcommittee. Our currently assigned staff is able to allocate approximately four hours per month to support the work of the subcommittee.

Does your subcommittee evaluate the needs of self-represented litigants within the framework of your projects?

Yes. The mediation subcommittee evaluates the needs of self-represented litigants within the framework of our projects.

What are the subcommittee’s top accomplishments over the past five years?

- 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). The subcommittee will be able

to make significant strides toward our goals with the support of a full-time OJD position for the benefit of family law litigants and court-connected mediation services across the state.

- Designed the 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.

Given SFLAC’s (and its subcommittees) commitment to supporting a family law system that serves all families, is there a perspective, voice, or subject matter expertise that you believe is missing from the SFLAC or your subcommittee?

- The mediation subcommittee has a geographically diverse membership and involves multiple court-connected mediation stakeholders. The subcommittee will benefit from reviewing current membership to determine if additional perspectives, voices, experiences, or areas of expertise are missing from the subcommittee and if so, to determine how to involve those perspectives and voices moving forward.

Any suggestions for improved management or operation of the SFLAC at large?

- Incorporating a communication flowchart for the SFLAC will increase the information and education between the SFLAC, subcommittees, and other involved entities to reduce duplication of work, increase efficiencies and to improve access to justice across the state.



EDUCATION SUBCOMMITTEE – Report Spring 2022

Chairs: Colleen Carter-Cox (Program Coordinator, Family Court Assistance Office, Lane County) and Hon. Keith Raines (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), Crystal Reeves (Trial Court Administrator, Columbia), Tatjana Queener (private attorney, Clatsop), Danielle Ramos (Legal Resource Center Supervisor, Multnomah), Bryan Marsh (JFCPD, OJD), Nanci Thaemert (Director JFCPD, OJD), Melissa Dablow (JFCPD, OJD).

Staff Assigned: Bryan Marsh and Melissa Dablow, JFCPD

What is the goal/focus of the subcommittee?

Expand membership with an eye to diversify and to continue to identify educational needs for OJD staff and internal/external court users including planning and implementing both the regularly occurring statewide family law and facilitator conferences.

What are the subcommittee’s top short-term priorities (within the next year)?

- Reorganize the subcommittee to more efficiently address the various educational needs for both public and OJD staff. We have created separate workgroups to plan both the family law and facilitator conferences. The benefits are twofold, allowing us to add subject matter experts from outside the subcommittee to participate in each workgroup, and as a result, creating more time for the main subcommittee to devote to other projects that conference planning would previously consume.
- Complete updates to the “How to Serve Legal Papers in Oregon” pamphlet
- Plan and conduct the Facilitator Conference, scheduled for September 16, 2022 in Salem
- Support JFCPD by providing engaging and relevant discussion topics and training content for the monthly facilitator meetings.

What are the subcommittee’s top long-term priorities (within the next 5 years) ?

- Increase diversity
- Plan and implement the statewide SFLAC Family Law and Facilitator Conferences occurring on alternating years
- Improve communication and coordination with other committees and groups charged with educational goals in order to reduce duplicity of work and increase efficiency and quality of educational efforts and materials
- Judicial Education
 - Coordination with Judicial Leadership Committee and Circuit Court Judge’s Association
 - Develop family law webinar series for judges
 - Assist in editing/reviewing the family law benchbook as needed

What are the subcommittee’s current projects and timelines for completion?

- Update the “[How to Serve Legal Papers in Oregon](#)” pamphlet, Spring 2022
- Plan and conduct the Statewide Facilitator Conference, September 16, 2022 in Salem
- Update the Facilitator Manual originally compiled in 2000 and post it to the Facilitator’s [page](#) on Sharepoint. This is a multi-phase project with aim to have basic training tools available late 2022.
- Inventory online video resources for litigants to identify what needs to be added or updated

What are the challenges identified by your subcommittee in furthering your prioritized work?

- Navigating the challenges for planning and implementing trainings and conferences during a pandemic
- Providing practical and relevant training materials to apply at a statewide level while recognizing the size, demographics, and local court rules vary widely between jurisdictions
- Finding the financial and technological support to produce web based educational resources

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

- Diversity of jurisdictions
- Staff and Administrators are busy with the roller coaster of changes and backload of cases resulting from the pandemic

What additional support would lend itself to improving the work of your subcommittee? The change management series organized by Nanci Thaemert was quite helpful to provide tools and education to lead a subcommittee. It also provided time to engage with other subcommittee chairs. I found this opportunity quite valuable. The Chairs would appreciate future opportunities for this type of engagement.

Does your subcommittee evaluate the needs of self-represented litigants within the framework of your projects? The subcommittee has made the needs of SRLs a priority. The facilitator conference aims to better educate facilitators about methods and resources to help self-represented litigants. The subcommittee has made it a priority to keep resources for SRLs current and relevant, such as the “Divorce and Custody Trials in Oregon” and “How to Serve Legal Papers in Oregon” pamphlets.

What are the subcommittee’s top accomplishments over the past five years?

- The update and redesign of the trial preparation pamphlet, “Divorce and Custody Trials in Oregon.” The updated version includes new graphics, changes to laws and programs, such as IDRT and is reorganized with appendices for litigants to access applicable information more efficiently. The pamphlet is available in both [English](#) and [Spanish](#).
- The subcommittee planned and implemented statewide family law conferences in 2017, 2019 and 2021 despite the challenges presented by the pandemic. [Conference materials](#) are available on the OJD website Family Law Program page.
- The subcommittee planned and implemented the statewide facilitator conference in April 2018. The April 2020 in-person event was cancelled due to the pandemic however the subcommittee successfully transitioned to provide the planned sessions in segments during the Monthly Facilitator Meetings. All sessions are recorded and available on [Sharepoint](#). The agenda included the following presentations:
 - Temporary orders
 - Protective orders
 - Child support
 - Forms update
 - Roundtable discussion
- The subcommittee helped facilitate and provide content for the monthly facilitator meetings including the presentations referenced below. All meetings are recorded and available on the facilitator site on [Sharepoint](#). They are a valuable training resource for both new facilitators and existing facilitators looking for a refresher related to the different topics:
 - Remote Facilitation Information Security from ETSD
 - Data Dashboards
 - Interpreters and Translators with CLAS
 - Facilitation Basics

- Facilitation Discussion Board
- IV-D Child Support
- Navigating Family Law Resources

Any additional information you would like to share about your subcommittee experience: The work of this subcommittee requires actively involved participants. It has been slow to develop engaging subcommittee participants who are willing to take on projects or assignments between meetings. This might be due to the combination of multiple new members joining at the same time as we were navigating the pandemic. It appears we are emerging from this and have more actively engaged participants who are feeling more confident in meeting participation.

Given SFLAC’s (and its subcommittees) commitment to supporting a family law system that serves all families, is there a perspective, voice, or subject matter expertise that you believe is missing from the SFLAC or your subcommittee?

- Non-white perspective
- Person(s) who works with children both in the education and therapy arenas

Any suggestions for improved management or operation of the SFLAC at large?

It might be helpful to have a yearly exchange between the subcommittee chairs/cochairs for information sharing, collaboration, and support



DATA SUBCOMMITTEE – Spring Report 2022

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

Current Members: Hon. Matthew Donohue (Benton), Hon. Lauren Holland (Lane Circuit Court), Hon. Maureen McKnight (Sr. Judge Multnomah), Jessica Roeser (BFSD, OJD), Nanci Thaemert (JFCPD, FLP), Conor Wall (BFSD, OJD, Statewide), Jessica Roeser (BFSD, OJD, Statewide), Yousef Alouzi (JCIP, OJD, Statewide), John Grant (Attorney, Portland; *when available*).

Staff Assigned: Bryan Marsh, JFCPD

What is the goal/focus of the subcommittee in 2021? The focus of our committee in 2021 has been performance measures, specifically post judgment. Data entry consistency and accuracy. We have always prioritized 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.

What are the subcommittee’s top short-term priorities? We have prioritized the data reports we are interested in, some of the reports will take longer to develop to have the data we are wanting long term. In the meantime, the subcommittee is working on additional codes needed in Odyssey to obtain the data we think is most important. We thought the code for post judgment

was ‘a go’ as of January 1, 2022 but appears it has been delayed due to the new Odyssey roll out. Our next meeting will include an update on where we are with code initiation.

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 cases in family law. 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. We are also very interested in pulling facilitation program data and determining how can we capture the data in which we are interested. This data includes whether a facilitator was contacted for assistance, and, if so, at what state of the case? Did having a facilitator involved assist cases with statutory timelines as well as time to disposition?

What are the subcommittee’s top accomplishments?

Our immediate priority list has allowed Conor to pull data on mediation and protected person cases and get that information to the trial courts where there are data entry errors, so the courts can correct the data going into the Odyssey system and have better data. Conor and Ryan have also presented to the TCA’s what our committee is doing, why the data is important and Conor has gone over the data reports explaining data entry concerns. The TCA’s are on board with making sure the data is accurate.

The information above in italics was in our prior report, however it is still relevant. Conor has been able to accomplish so many items on our wish list already. This past year, our accomplishments include a new codes to capture post-judgment data, and a move toward performance measures for Modifications, Contempt, and Enforcement.

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 the data entry is performed. If there is an issue with the data, the courts need to have the time to review and correct. We also have time conflicts within the subcommittee, and this has limited our ability to meet regularly. Our members have numerous requests for their time, and it can be a struggle to schedule meetings. The positive, though, is that all members are committed to this subcommittee and when we do meet things are accomplished.

What additional support would lend itself to improving the work of your subcommittee? I don’t believe additional support is necessary as far as staff. The nice way our subcommittee works is we meet and then Conor, Jessica and Yusef can go and look into the data and take our ideas and requests and make them a reality. A wider conversation with data needs might be a good thing; The CJ and Nancy Cozine, to confirm we are on the right track for any data needed at the legislative and OSCA level. A conversation with TCAs to confirm we are looking at the data the trial courts would be interested in obtaining.

Does your subcommittee evaluate the needs of self-represented litigants within the framework of your projects? Always looking at how the data can assist us in determining how to provide access, and resources for self-represented litigants.

What are the subcommittee's top accomplishments over the past five years? In a short amount of time, we have been able to accomplish a great deal. We had a list of data priorities outline in phases 1, 2 and 3. We knew the list in 2 and 3 would be more difficult. As of July 2021, we have been able to complete the following priorities:

Phase 1

Domestic Relations

Self-Represented Litigants:

- *The % of petitioners who are self-represented at the time of filing*
- *The % of respondents who are self-represented at the time of filing the response*
- *The % of cases where both parties/one party/no parties are represented at the time of judgment entry*

Mediation:

- *Number of cases with each type of mediation result: Full Agreement, Partial Agreement, No Agreement, Failure to Appear for Mediation*

Probate

Open Cases: *The number of open cases by case type (adult/minor) and by conservatorship, guardianship, or guardianship/conservatorship*

Timeliness of Judgment: *The percentage of filings with a judgment appointing a guardian/conservator or dismissing the case within 90 days of filing*

Assets Held in Conservatorship: *The value of the assets under the court's supervision in conservatorship and guardianship/conservatorship cases*

Phase 2

Domestic Relations

Case Resolution: *Number and percentage of cases resolved by the type of resolution (default judgment, stipulated judgment, mediated judgment, Rule 7 dismissal, dismissal at party request, trial)*

Probate

Annual Guardian Report and Accounting Filings: *For open cases, the number and percentage of cases with annual reports filed within the past year and the number and percentage with annual accountings filed within the past year*

Phase 3

Probate

Average Length of Guardianship, Conservatorship, or Guardianship/Conservatorship: *For all open cases, the average time that the case has been open*

Protected Persons over Age 65: *For adult guardianship, conservatorship, and guardianship/conservatorship cases, the percent where the protected person is currently age 65 years of age or older*

Any additional information you would like to share about your subcommittee experience:

The commitment, experience and knowledge of the participants on this subcommittee are why we have been to accomplish so much in such a little bit of time. They are an amazing group.

Given SFLAC's (and its subcommittees) commitment to supporting a family law system that serves all families, is there a perspective, voice, or subject matter expertise that you believe is missing from the SFLAC or your subcommittee? I don't think so, but I would like to think some more about this question.

Any suggestions for improved management or operation of the SFLAC at large? No, the management of the SFLAC, both committee leadership as well as OSCA support is supportive, communicative, transparent, and collaborative.

FUTURES SUBCOMMITTEE – Spring Report 2022

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), Colleen Carter Cox (Family Court Facilitator Lane County OJD), Valerie Colas (2021) Linda Hukari (Trial Court Administer, Marion County), William Howe (Attorney, Portland), John Grant (Attorney, Portland), Samantha Malloy (Attorney, Jackson County) Crystal Roeves (Trial Court Administer, Clatsop County), Nanci Thaemert (Director JFCPD 2021)

Staff Assigned: Bryan Marsh, JFCPD

What has been the goal/focus of the subcommittee in 2021? At the end of 2022, we adopted a mission statement.

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 typical court customers.

What are the subcommittee's top short-term priorities (within the next year)?

Expand Use of Informal Domestic Relations Trials (IDRT's). The Futures Subcommittee is undertaking several initiatives to expand the use of IDRT's and better track their existing use especially among self-represented litigants.

Create an Alternative Substitute Service to Notice by Publication. The subcommittee is considering a proposal for a court webpage to provide service by publication as an alternative to publication requirements in print newspapers. The initiative is being pursued by other jurisdictions to ease the expense burden for petitioners and ensure actual notice for respondents. The use of court websites provides greater reliability than other social media sites and provides a centralized location for respondents.

Remote Access Initiative. The Futures Subcommittee is continuing to provide support for the Remote Access Initiative delayed in some counties by the pandemic. Ongoing efforts include the transition to a statewide Voice Over Internet Protocol (VOIP) by the Enterprise Technology Division that will ensure a consistent and uniform phone system/number for utilization in Remote Facilitation. The subcommittee is continuing to track improved participation rates reported by counties to support the efficacy this program can deliver to courts. In addition, the subcommittee is examining other forms of facilitation technology such as Artificial Intelligence (chat bots) and help desk resources.

Remote Proceedings. The Futures Subcommittee is continuing to gather data and propose solutions to refine and enhance remote hearings and trials following the relaxation of the pandemic restrictions as we returned to in person proceedings to determine where, when and how to continue availability for remote proceedings to reduce barriers to individuals who have historically had difficulty engaging in the process due to childcare, transportation, employment and other complications.

Remote Access Best Practices. The Futures Subcommittee is examining enhanced remote access to support services personnel such as custody evaluators, parenting coordinators, mediators etc.

Implementation of Change Leadership Strategies. The subcommittee is utilizing knowledge and tools learned through the Change Leadership training to enhance the projects and work of the Futures Subcommittee.

What are the subcommittee's top long-term priorities (within the next 5 years)?

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., improvement and expansion of court websites as repositories for self-represented litigants including notice by publication, IDRT information, 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.

Continue to examine innovations across national and international jurisdictions to identify initiatives that are increasing the access to justice and evaluate for adoption and innovations tailored to Oregon.

Continue to identify and promote strategies to facilitate access to justice through unbundling by both attorneys and the courts (enhanced access to judicial resources in the form of status conferences, settlement conferences, streamlined interim relief such as temporary support on pleadings, etc.)

What are the subcommittee's current projects and timelines for completion?

IDRT Expansion. These efforts include improving the accuracy of tracking and other data refinements through clerical training/familiarity of coding, including consideration of the timing of capture to ensure that “conversions” from traditional to IDRT’s on the day of trial.

IDRT Expansion. The Futures Subcommittee is examining revisions to the UTCR to improve the waiver process (during remote proceedings, written versus on the record), and opt-in versus opt-out processes. The end of Q4 is the target date for the UTCR rule revision proposal.

IDRT Expansion Revision of the state-wide IDRT brochure is being examined, working in tandem with the Portland State University linguistics/communication department to ensure greater clarity and understanding for self-represented litigants. The end of Q3 is the target date for a revised brochure.

Notice by Publication. This project is in its initial phase. The subcommittee will be researching the results of other jurisdictions to gather data about operational challenges and successes as it considers the most effective way to implement this change. The Futures Subcommittee will be exploring the technical aspects of implementing a service page on district websites across the state.

Best Practices for Remote Proceedings. The subcommittee is evaluating surveys and other forms of engagement to create a “best practices” sheet that will provide both litigants, attorneys and OJD staff tips and tools to minimize detractions from remote proceedings.

What are the challenges identified by your subcommittee in furthering your prioritized work?

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, to the extent possible, on a uniform basis. 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.

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

The diversity of our jurisdictions in terms of resources and environmental realities has been a challenge to the recommendations for uniformity in the early phases of initiatives for both implantation, evaluation and iteration. Similarly, the industry-wide preference for the status quo and skepticism about technology continue to encumber more sweeping changes and initiatives.

What additional support would lend itself to improving the work of your subcommittee?

Enhanced cross-committee communication and shared roles in projects will enhance capacity and output by leveraging common efforts and unique expertise. For example, collaboration with the education and mediation subcommittees on expansion of IDRT materials and training will ensure that first points of contact (facilitators, mediators, court staff) have the training and tools to effectively communicate the benefits of IDRT's. Similarly, collaboration between futures and data will support better capture of data points essential to Futures Subcommittee practices.

Does your subcommittee evaluate the needs of self-represented litigants within the framework of your projects?

The needs of self-represented litigants are essential to our mission and are the lens through which our projects and efforts are focused. While the ease of use for other stakeholders (court personnel, OJD staff, judges and the bar) is essential to the success of Futures' projects, access to justice considerations start with self-represented parties.

What are the subcommittee's top accomplishments over the past five years?

Mission Statement: The Subcommittee created a mission statement to inform and enhance our initiatives.

Remote Facilitation 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 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, enhance and improve remote hearings and trials. 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. Also under consideration is a process to permit expanded use of remote proceedings where both parties opt in to ease the burden on litigants: self-represented individuals who may have barriers to participation (child care, time away from work, transportation, etc.); represented individuals have seen a reduction of attorneys' fees due to the removal of driving and waiting for cases as well as expanded access to attorneys located in other parts of the state when travel costs are removed.

Comprehensive Report to the Chief: In the fall of 2020, 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.

SFLAC 2021 Conference: Futures Subcommittee members presented workshops in both the morning and afternoon session dealing with remote services and IDRTs/alternative dispute resolution approaches.

Any additional information you would like to share about your subcommittee experience:
The Future's Subcommittee comprehensive report to the Chief underscored both the importance and feasibility of the Futures Subcommittee work. That experience and the pandemic as a whole illustrated the practical imperatives of the more abstract aspirational goals of the Futures Subcommittee in real time. Being empowered to recommend action during that crisis was a true inspiration. The Futures Subcommittee Chair and Vice-Chair can think of no better evidence of the necessity of the Futures Subcommittee work.

Given SFLAC's (and its subcommittees) commitment to supporting a family law system that serves all families, is there a perspective, voice, or subject matter expertise that you believe is missing from the SFLAC or your subcommittee?

Futures has one of the larger memberships among the subcommittees that has created a broad perspective and diversity of voices. The cross-committee collaboration that is currently being promoted inherently expands the perspectives to inform and assist Futures Subcommittee initiatives.

Any suggestions for improved management or operation of the SFLAC at large?

Use of remote meetings by the SFLAC is both leadership by example and has eased participation. Continuing recruitment of subcommittee membership will ensure continuing participation by a wider range of community partners and statewide voices which flows up to and benefits the SFLAC as a whole.

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MEMBERSHIP SUBCOMMITTEE – Fall Report 2021

Chair: Debra Dority (Oregon Law Center attorney, Statewide)

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

What has been the goal/focus of the subcommittee in 2021?

Recommending and vetting nominees for the SFLAC membership to ensure a diverse, qualified and hard-working group. In addition, the Membership Committee was tasked with considering input on the platform of future SFLAC meetings, subject to OJD approval. As a result, we surveyed the members and ultimately recommended that three of the four quarterly SFLAC meetings remain virtual, while the fourth meeting (likely the March or June meeting) be an in-person, all-day mini retreat.

What are the subcommittee’s top short-term priorities (within the next year)?

Presently, we are working on creation of a handbook that can be utilized to better onboard and establish expectations for new members.

What are the subcommittee’s top long-term priorities (within the next 5 years)?

The Membership Committee’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, our priority will be to work toward our goal of creating a more diverse SFLAC membership.

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.

What are the subcommittee’s current projects and timelines for completion?We are presently working on the handbook and continue to consider, and interview interested persons that submit Membership Inquiry Forms.

What are the challenges identified by your subcommittee in furthering your prioritized work? In our work to ensure the SFLAC is as diverse as the families who access Oregon’s family courts, we have struggled with making some meaningful connections with those who may diversify the SFLAC. We will continue to work on making a space where others feel comfortable sitting at the table but could use some additional support in identifying new members. {see below section on ‘additional support’}.

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

N/A

What additional support would lend itself to improving the work of your subcommittee?

The work of Valerie Colas (& others doing the important DEI work at OJD), and in particular the connections and discussions with community partners *outside of OJD*, can help us to identify what voices we are missing at the table. Any recommendations or resources that can be shared from that work would help us improve the work of the Membership Subcommittee.

Does your subcommittee evaluate the needs of self-represented litigants within the framework of your projects?

In working to become as diverse as those who access Oregon Courts, we center all litigants, including and especially self-represented litigants.

What are the subcommittee’s top accomplishments over the past five years?

The Membership Committee has enlisted and recommended top-quality candidates to the SFLAC.

Given SFLAC’s (and its subcommittees) commitment to supporting a family law system that serves all families, is there a perspective, voice, or subject matter expertise that you believe is missing from the SFLAC or your subcommittee?

We have identified voices that we would like to actively recruit for involvement in both subcommittee work as well as the SFLAC at large.

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CHILD SUPPORT SUBCOMMITTEE – Report Spring 2022

Chairs: Kate Cooper Richardson (Director Oregon Child Support Program, DOJ), Claudia Groberg Garcia (Co-Chief Counsel, Civil Enforcement Division, DOJ). No OJD Admin staff; Support provided by DOJ.

Members: The Hon. Maureen McKnight (Sr. Judge, Multnomah), The Hon. Keith Raines (Sr. Judge, Washington), The Hon. Donna Moursund Brann (Presiding ALJ, Lane & Statewide),

James E. Belshe (TCA Linn), Trena Klohe (Oregon Law Center Attorney, Washington), Concetta Schwesinger (Trial Team Supervisor, Family Support Marion County DA), Elizabeth Vaughn (Court Operations Analyst, Clackamas), Shannon L. Richard (Assistant Attorney-in-Charge Civil Recovery Section, DOJ, Lane/Statewide), Michael L. Ritchey (General Counsel, Oregon Child Support Program, Statewide), Bryan Marsh (Program Analyst, JFCP, OJD, Statewide), Nanci Thaemert (Division Director, JFCP, OJD, Statewide), Dawn Marquardt (Deputy Director, Division of Child Support, DOJ, Statewide), Tammy Kramer (Field Services Chief, Division of Child Support, DOJ, Statewide), Karen L. Coleman (Business & Tech Services Chief, Division of Child Support, DOJ, Statewide).

Anticipated when hired: Child Support Program Analyst, JFCP, OJD and Child Support Referee, OJD.

Vacant positions: Private family law bar, current Circuit Court Judge

What has been the goal/focus of the subcommittee in 2021?

The Child Support Subcommittee has been on hiatus for the last few years due to the demands on the Department of Justice and Oregon Child Support Program with its system modernization project and business processes, which was immediately followed by the demand on the program with the pandemic. The subcommittee is now re-forming, and most members have been identified—some continuing, some new—including a new co-chair. Recruitment for a few more members and perspectives is underway. An organizational meeting is planned within a few weeks to solidify a meeting cadence and identify short- and long-term goals and priorities.

What are the subcommittee’s top short-term priorities (within the next year)?

The primary short-term priority will be supporting OJD in the development, implementation, and launch of the child support referee initiative, with a particular focus on education and outreach.

What are the subcommittee’s top long-term priorities (within the next 5 years)?

Because the re-forming subcommittee has not yet set long-term priorities, they cannot be identified with certainty. However, it’s anticipated that the subcommittee will continue support, education, and expansion of the child support referee initiative. Other possible long-term priorities include development and establishment of child support-specific education and CLEs for target audiences, especially the bench, family court facilitators, and trial court administrators. Another possible priority in the long term is development of support materials (including videos) for self-represented child support parties navigating the judicial process.

What are the subcommittee’s current projects and timelines for completion?

While these are yet mostly to be determined, because the child support referee “go-live” date is January 2023, this project and timeline are driving the subcommittee’s initial work.

What are the challenges identified by your subcommittee in furthering your prioritized work?

N/A at this time – to be determined.

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

N/A at this time.

What additional support would lend itself to improving the work of your subcommittee?

N/A at this time – to be determined.

Does your subcommittee evaluate the needs of self-represented litigants within the framework of your projects?

Yes, it has, and it will. Evaluating and meeting the needs of self-represented litigants is a primary focus of this subcommittee since a large majority of child support parties are self-represented.

What are the subcommittee's top accomplishments over the past five years?

N/A at this time.

Any additional information you would like to share about your subcommittee experience:

N/A

Given SFLAC's (and its subcommittees) commitment to supporting a family law system that serves all families, is there a perspective, voice, or subject matter expertise that you believe is missing from the SFLAC or your subcommittee?

As the subcommittee reforms and documents its priorities, this will be an essential question it will examine.

Any suggestions for improved management or operation of the SFLAC at large?

Not 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 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 the families who interact with the Court system. We have learned so much during the Covid 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 process should and can be implemented. We continue to actively engage in the work necessary to improve the family law system all Oregon's families.