I. Background.

Presiding Judge Paul Lipscomb appointed members to a Family Law Advisory Committee in early 1998 to develop a plan to coordinate the provision of services to families involved in domestic relations or other family court proceedings pursuant to ORS 3.434. Under the leadership of Circuit Court Judge Pamela Abernethy, the committee spent almost a year studying and discussing ways to improve court and related services for families. A draft plan was developed and approved by the Marion County Bench and County Commissioners in late 1998.

The next several years were spent working on certain aspects of the plan. Some of the items envisioned by the committee were implemented and some were not. Institutional, funding and other barriers made implementation of some parts of the plan difficult. The committee also devoted new focus to the needs of high conflict parents, through the development of parenting plan suggestions for high conflict parents, a process for the appointment of a parenting referee, and four symposia for professionals to share ideas on how to best address the needs of families in high conflict cases.

In 2004, Judge Abernethy turned the chair position over to Circuit Judge Jamese Rhoades. Shortly thereafter, the committee reexamined the plan and published a revised version more accurately reflecting the status of services in the Marion County Circuit Court, and to detail the progress made toward implementation of the plan.

This revised version of the plan should be viewed as a working document designed to guide the Court in improving its service to families. As the population of Marion County grows and the composition of the Bench changes, further planning and work will need to be done to keep improving the Court's delivery of services.

II. Provision of Services.

All services provided to families either directly by the Court, or in a Court mandated program shall make provisions for cultural competency. The Court will provide cultural competency training to court staff that provide direct public service to families. Further the Court will take into consideration the cultural competency of potential service providers when the Court is developing mandatory programs that are closely associated with the Court.

A. Prevention and Early Intervention.

There are a number of existing social and human services available in the community designed to assist and stabilize families and prevent the need for crisis intervention. Although some gaps exist in the provision of services, the greatest need for improvement lies in the coordination of these services. Rather than create new programs that may duplicate services

already available, the Court should become a community partner with other governmental and social service providers in Marion County to create system wide changes that enhance and coordinate service delivery to families, as outlined in Section IV of this plan.

Some specific programs have been identified that assist families in avoiding the court system in the first place, or that assist the transition when a family is breaking up.

1. Marriage Counseling.

The Court provide*s* information on some counseling services available in the community through its website. The Court will continue to provide domestic relations counseling on a case by case basis, upon requests for service pursuant to ORS 107.550.

2. Family Education.

i. Children Cope with Divorce (Cope).

The Court, in collaboration with the YWCA, developed a program to educate parents about the effects divorce can have on children. The program is mandated for all parents involved in specified custody proceedings with minor children. Parents are required to register for the program within a relatively short time period (15 to 30 days) after the filing of an initial appearance with the court.

ii. High Conflict.

There are some parents who are not able to transition from conflict to cooperative parenting. These parents identify themselves by repeated court filings over custody, visitation and parenting issues. In the process, they hurt each other, and worse, they hurt their children.

In cooperation with the YWCA and the Office of the State Court Administrator, the Court developed a program tailored to this particular "high conflict" group, similar to other programs such as "Parents Beyond Conflict" in Multnomah County. Without a permanent funding source, the class was unable to become self sufficient based on user fees alone. The class was discontinued.

iii. Family Education.

Families involved in the court system should be encouraged to attend other education courses that already exist in the community, to assist them in improving parenting skills after their court case is over and to assist children in dealing with divorce. For example, Chemeketa Community College offers a number of courses relating to child development and effective parenting skills at a relatively low cost. Also, the YWCA offers a course, "Rollercoasters" to children whose

parents' are divorcing.

The Court has instituted a system to refer parents to appropriate parent education programs such as the ones mentioned above, after the completion of the Cope class. See Marion County Circuit Court SLR 8.013. Specifically, the Court has discretion to refer a parent to a parent education class in lieu of Cope if he or she has initiated a filing regarding custody or parenting time post judgment. The Court may also refer the parents to parent education if court funds are requested to pay for a custody evaluation. A list of approved parent education classes is maintained by the Family Court Coordinator and posted on the court's forms database along with forms to make the referral. The Family Law Department is available to monitor compliance with the court's order.

B. Dispute Resolution.

1. Mediation.

The Court has developed a domestic relations mediation program, as described below. Shortly after the drafting of the first version of this plan, the court convened a work group to evaluate forms and practices, and in particular, determine if a model parenting plan format should be required. The group did not recommend a model format, but did recommend the court send out information about the parenting plan statute (ORS 107.102) and sample parenting plans to mediators.

The committee believes more progress could be made to increase communication and collaboration between domestic relations attorneys, mediators and the Court. The Court has taken steps to improve its website, so that more information about rules, forms and court policies are more readily accessible to professionals that work with the Court. In addition, the Court will hold a semi-annual meeting, and will invite mediators, domestic relations attorneys, judges, the mediation coordinator, and anyone else interested in attending. The purpose of the meeting will be to provide program updates, and to exchange information about how the mediation process is working.

i. Mediation Orientation.

The Court has developed a video and a handout explaining the mediation process to parents in accordance with the guidelines contained in ORS 107.755. The video is shown with the Cope class prior to mediation.

ii. Child Custody and Parenting Time Mediation.

The Court adopted a mandatory mediation program pursuant to ORS 107.755 for domestic relations suits involving custody and parenting time disputes. The Court has assembled a panel

of mediators appointed on a case by case basis, and compensated through the Court's conciliation fund.

iii. Financial Issues Mediation.

The Court developed a financial issues mediation panel, comprised of mediators with the qualifications outlined in OAR Chapter 718, Division 50 in 1999. Qualified mediators are now screened under the Court-Connected Mediator Qualifications Rules, and are posted on the Court's website.

The parties usually pay the mediator for services directly. The Court may agree to pay for part or all of the services if one or both of the parties are indigent, but in no case will pay over $480 per case (for the financial issues portion of the case). In the event the conciliation fund is running low, the Court will place priority on paying for custody and parenting time mediation, and will discontinue funding financial issues mediation until the fund is healthy.

2. Arbitration.

The Court has adopted an arbitration program for domestic relations suits in which the only contested issue is the division or disposition of property. The Court has assembled a panel of arbitrators that have experience in domestic relations matters, and that have been recommended by other members of the bar. The parties pay for the arbitrator's services directly, unless the Court has waived or deferred the arbitration fee.

3. Custody Evaluation.

Evaluation services are provided by outside experts, sometimes appointed by the Court as Referees pursuant to ORCP 65. Expenses for such services are paid by the parties, unless the Court determines the parties can't afford to pay for the evaluation. In appropriate cases, the Court may advance fees for all or part of an evaluation, and require the parties to reimburse the Court in the judgment. Payment plans are available.

Recognizing the economic hardship a full evaluation can impose on parents, the Court has examined alternatives to a traditional comprehensive evaluation, and offers two alternative evaluation services: a limited issue evaluation and a scaled down evaluation. A limited issue evaluation is limited in scope to a specific issue. The Court describes with particularity which issues the evaluator is to address in the order of appointment. A scaled down evaluation provides a recommendation as to custody and parenting time, but limits interviews, references, documentation and the length of the evaluator's report. The appropriateness of these alternatives is determined by the assigned judge on a case by case basis.

The Court has identified exposure to potential liability as an ongoing concern of custody

evaluators. Some evaluators have chosen not to offer custody evaluation services because of the risks presented by this type of work. Locally, the Court has attempted to alleviate this concern by appointing evaluators as Referees under ORCP 65.

The Court also inquired with the Oregon Family Law Advisory Committee as to a court appointed referee's potential liability. A subcommittee of the statewide FLAC has concluded that evaluators appointed pursuant to a court order would most likely be extended quasi-judicial immunity, however, evaluators would continue to be vulnerable to ethics complaints with their applicable boards. This subcommittee qualifies this statement by pointing out it has no authority to offer any kind of formal legal opinion.

4. Settlement Conference.

A settlement conference with a judge can usually be arranged at the request of both parties, at no charge.

5. Parenting Time Coordinators in High Conflict Cases.

Parents who are repeatedly involved in litigation may decide to stipulate to the use of a Parenting Time Coordinator under ORS 107.425(3) with the qualifications in Marion County SLR 8.019 to resolve ongoing disputes regarding parenting time and related issues. The Court continues to educate members of the bar and public about the availability of this process.

C. Pro Se Litigant Access to Court Services: "Family Law Department".

The Court has been a leader in this area statewide. The Court has developed a program to provide court approved forms, instructions, and other information about legal and related services to pro se litigants. In cooperation with Legal Aid, the Court also offers unbundled pro bono legal services to low income litigants. The program already serves a substantial percentage of the growing number of litigants who go through the court system unrepresented by attorneys. The Court will continue its efforts to expand the scope of this program to address the needs of families who can't afford legal assistance.

D. Parental Access and Visitation Program.

The Court has been a leader in this area as well. The program is designed to increase noncustodial access to children and provide better child safety. Through a combination of supervised visitation, substance abuse testing, monitoring and a variety of treatment options, noncustodial parents are provided more time with their children, as long as they comply with court ordered conditions of parenting time.

E. Written Information for Stalking Victims and Spanish Speaking Victims of Domestic Violence.

With federal funding through the Violence Against Women Act, the court developed written materials for domestic violence victims in English and Spanish. Specifically, information about the stalking process was developed and translated into Spanish. In addition, FAPA forms and instructions, and a Community Resource and Legal Information Guide developed by local lawyers, were translated into Spanish. All of the materials are provided through the Family Law Department and on the court's website.

III. Case Coordination.

The LFLAC initially recommended a case coordination system based on the "One Family, One Judge" model. This system administratively identifies related cases involving the same family and assigns them to the same judge. In the late 1990's, the Court hired staff to provide case coordination services pursuant to the recommendation. Following case coordination models in Deschutes and Jackson Counties, staff bundled related cases and assigned them to one judge. After trying the program out, the Court determined a system based on judicial discretion would be more compatible with an individual calendar system.

The Court will use existing resources to coordinate cases according to the Case Coordination Protocol provided in the Appendix, Page One. Related cases are primarily identified by the judge and his or her judicial staff, although some screening is done by the Family Law Department if a FAPA restraining order is filed. Attorneys can also help by alerting the Court when related cases assigned to different judges exist, and consolidation or consultation according to the protocol would be appropriate.

IV. Service Integration.

The Court will work collaboratively with the Marion County Family Systems Consortium and the Marion County Commission on Children and Families in an effort to coordinate the provision of services to families. In addition, more information about government and social service programs will be made available to families at the courthouse, in print, video and on the court's website. Government and social service entities should continue to make information available through the internet, and link with each other to make related services easier for the public to access.