

**Multnomah Family Law Advisory Committee**  
**MINUTES**  
**January 22, 2009**  
**Multnomah County Courthouse, Room #406**

In attendance: Tonya Alexander, Janice Ashe, Helga Barnes, Cindy Bidnick, Doug Bray, Sara Clark, Teri Durham, Paul Edison-Lahm, Sally Englert, Mike Fearl, David Gannett, Jeff Harman, Mary Knight, Mark Kramer, Scott Leibenguth, Shelly Matthys, Collin McKean, Judge Maureen McKnight, Christine Pedersen, Kathy Root, Judge Thomas Ryan, Julie Stevens, Judge Diana Stuart, Chief Family Law Judge Nan Waller.

**Review of Subcommittees**

**A. Call/Settlement Conference Subcommittee – Chair Chief Family Law Judge Nan Waller**

The Call/Settlement Conference Subcommittee is addressing the need for a new call system due to the on-going problem of parties either not calling in or not notifying the other party. The committee aims to bring the family law call system in line with the civil call system. This will probably result in parties needing to appear at call. Issues that the committee will address include: what happens if the other side doesn't come to call? Also, can legal assistants appear on behalf of attorneys? It was noted that the UTCR addresses the appearance at ex parte of legal assistants.

The committee is also addressing the scheduling of settlement conferences. Settlement conferences are not required on all cases however, both because of workload issues and because there isn't the need for more with current court times to trial being good.

Judge Stuart noted that parties can request an individual assignment with a judge early in a case and can also request a settlement conference with a judge, including the potential trial judge if parties agree.

Membership in Call/Settlement Conference subcommittee is solicited.

**B. Supplementary Local Rules Committee – Chair Judge Maureen McKnight**

A handout summarizing recent changes to the SLRs was distributed. Judge McKnight indicated that the issue of the processing of judgments, discussed at the previous LFLAC, was under discussion with trial court administration, but that the committee hadn't yet discussed it. Membership to this committee is being solicited.

This committee will also address e-court issues, which are now being discussed statewide. Input on e-court is being solicited by the state FLAC on their website.

The committee will be considering whether the court should move to mandated forms, such as those used in California. Practitioner input is needed on this issue.

The possible need for a judgment checklist was raised at the last FLAC meeting. However, use of a judgment checklist is complicated by recent statutory changes on money awards. Examining the possible need for a judgment checklist is assigned to the SLR subcommittee.

Mark Kramer asked for clarification of SLR 8.044 concerning whether the rule addressed orders or judgments of dismissal. Cindy Bidnick explained that although a dismissal is usually done through a judgment, sometimes orders are indeed used.

The changes to the SLRs will be effective on 2/1/09. The subcommittee welcomes input from practitioners on the new SLRs. The next revision deadline is July 14, 2009.

**C. Supervised Parenting Time subcommittee – Chair Judge Merri Souther Wyatt (not present) with Janice Ashe.**

Janice has set up a list serve for this subcommittee and the committee has had one meeting. The issue the committee is addressing is that Safety Matters is losing its grant support. The purpose of the committee was to augment the services of Safety Matters. A second meeting is planned with Safe Havens regarding Safety Matters. The next meeting is Monday, 1/26/09 at 12:00 in Family Court Services, Multnomah County Courthouse, Room 350. This meeting will address whether the Y will apply for a one-year federal planning grant for Safety Matters.

The committee will be addressing what services might be added should Safety Matters reopen, such as expanding mental health and addiction services. Input is needed on this issue. Also, training might be provided for supervision off-site in the future.

Judge Waller added that the committee should address the full range of parenting time options, including both Safety Matters and a “visitation center” in the community for needs broader than those addressed by Safety Matters – especially those options and grant opportunities that might be envisioned when economic times are better, such as a “youth center.”

A proposal was made that the Supervised Parenting Time subcommittee address how to make supervised parenting time terminology clearer in orders.

**D. Parenting Time subcommittee – Chair Judge Diana Stuart**

This subcommittee has been in hiatus after proposing the new SLR 9.075. The new SLR abolishes the old Multnomah standard parenting time guidelines and adds instead advisory comments and a list of resources for parenting plans, including the state website. Practitioner input is solicited for input on how this new SLR is working. This subcommittee will start up again in mid-March.

The new parenting plan handouts will be made available in Room 211, on the state website, and the Multnomah County Circuit Court website. Input on these materials is solicited.

## **E. Safety Matters – Director, Sarah Clark**

Safety Matters last day will be 2/15/09, after which they will be referring cases out. Sarah will remain at the Y as the contact person and will retain the case files. The Y is committed to supporting Safety Matters and reopening if funding is found. Also, a list of paid supervisors will be posted on the court website and at Room 211. Safety Matters will provide a closing report in early March and a letter from Sarah will also be posted.

Mary Knight raised the issue of training requirements for supervisors. A proposal was made that the issue of guidelines and training for supervisors be addressed by the Supervised Parenting Time subcommittee.

Judge Waller announced that a domestic violence one-stop center will open in July, which will include participation by law enforcement, domestic violence advocates, district attorneys, and DHS. The center will be situated at the Children's recreation center. The center may assist restraining order petitioners with forms. A director will be hired soon.

### **Agenda Items Proposed by LFLAC members**

**ADR requirement.** The issue of whether the ADR requirement should be extended from civil to all family law matters is assigned to the Call/Settlement Conference subcommittee, since this issue dovetails with settlement conference issues. Input from practitioners is requested concerning what sorts of matters are most appropriate for settlement conference.

#### **Requirement of show cause order for Friday docket for Family Court Services study order.**

Mark Kramer asked whether the Friday docket could be skipped where there are two attorneys on a case and they provide a stipulated order certifying conformance with the SLR guidelines. Mark Kramer was volunteered to draft this.

Cindy Bidnick addressed why the rule requires two court appearances. Room 211 cannot order the one party to respond as required by SLR 8.047. Interpretation of this rule and how it might be better applied is assigned to the SLR subcommittee.

**Family Court Services.** Janice Ashe announced that Family Court Services evaluation resources may be shrinking and that workload issues need to be considered. Janice also announced that Family Court Services has received a federal grant providing services to cases where (1) there has been a Dept. of Child Support, District Attorney or DHS referral (2) with an administrative order for child support, and (3) there is no parenting plan in place and, (4) the obligor is indigent. FCS has a part-time mediation position for handling these cases, with the goal of finding out whether an increase in parenting plans will increase child support payments.

**Dismissals under SLR 8.012(3).** Mark Kramer asked whether SLR 8.012(3) is being applied regarding dismissals and whether the dismissals are automatic. Cindy Bidnick explained that the rule applies in matters where no response has been filed, such as in motions to modify. An expiration date is set in

OJIN and these motions are automatically dismissed without notice. Parties will need to refile their motion. Clarification of this rule is assigned to the SLR committee.

**State FLAC.** Judge McKnight announced that the state FLAC needs practitioner input on issues of (1) self-represented litigants, and (2) e-court, especially confidentiality issues. Concerning self-represented litigants, there is a need for a list of attorneys who can provide unbundled services, especially crafting judgments. Input can be emailed to the SFLAC mailbox at [SelfRep@ojd.state.or.us](mailto:SelfRep@ojd.state.or.us).

Judge McKnight also announced that the Dept. of Justice is currently doing focus groups to test a new program for child support calculations that is question driven and will be available within the next two to three months.

Janice Ashe thanked the parenting plan class committee spearheaded by Mark Kramer and Rose for the ideas it raised. Judge McKnight indicated that a as yet untitled community group about facilitation will be addressing these issues also.

Meeting was adjourned.

Submitted by: Paul Edison-Lahm