

FAMILY SERVICES PLAN

Union/Wallowa Counties - 10th Judicial District
Developed by the Union County Family Law Advisory Committee

Background

The Union County Family Law Advisory Committee (“UCFLAC”), designated by the legislature to advise the Circuit Court regarding family law issues, was appointed by Presiding Judge Eric Valentine in January 1998. The Committee included the following members: Sandra E. Purnell, Chair; Bruce E. Anderson, David C. Baum, Wade P. Bettis, Jr.; Linda Carter; Sandy Donnelly; Tim Overton-Harris and Suzanne Trepoy. John DeNault, Trial Court Administrator served as staff to the committee. The Advisory Committee met monthly from January through September.

Members of the UCFLAC evaluated existing services for families experiencing separation or divorce, the impact on the Circuit Court of contested proceedings regarding parenting issues in separation or divorce cases, the impact on children, families and the community of hotly contested parenting plan cases and the increasing reality of parties proceeding in family law cases without the assistance of counsel. Review and evaluation of these issues resulted in recommendations from the UCFLAC, which have guided the development of the family services offered by the Union County Circuit Court.

The Circuit Court approved a filing fee surcharge to fund the planned family law parenting and mediation services (“Mediation Assessment Fund”). The surcharge has been collected since July 1, 1998 on all new filings in family law matters, including divorces, filiation proceedings, and motions to enforce or modify existing orders.

The Mediation Assessment Fund was created to provide services in Union County domestic relations cases involving children. The following programs and services were recommended and approved by the Union County Family Law Advisory Committee.

STATEMENT OF SERVICES

Family Education

1. *Helping Children Cope with Divorce/Separation (“HCCD”)*. Parents are mandated to attend this class when a divorce, separation, custody or modification case is filed. HCCD is presented by a mediator, mental health professional, or other individual qualified to cover legal, mediation and parenting topics. Interested friends, family and community members are encouraged to attend.

The curriculum focuses on providing parents with information on how to understand their children’s reactions to divorce and/or separation, and contains the following:

- a. Emotional impact of divorce and separation on parents and children, including emphasis on the different effects on children at different ages.
- b. Methods for reducing harmful effects on children.
- c. Communication skills for parents during and after separation.
- d. Mediation orientation, including the definition of mediation, mediation options available, and advantages/disadvantages of mediation versus litigation.

To fulfill this requirement, parents may attend a similar parent education session in another Oregon county and file a certificate of attendance with the Court. With prior Court approval, parents may attend a similar parent education session in another state, or the online course “Children In Between” <http://online.divorce-education.com>.

The court will monitor compliance of any mandated education requirements.

2. *Parenting with Love and Logic*. The UCFLAC sponsors this parenting class providing effective tools and strategies for parenting children of all ages. Parenting with Love and Logic is a six (6) week course (once per week) offered twice a year. Child care is provided.
3. *Family Law Workshop*. Presented by local family law attorney Bruce Anderson, this workshop is designed to provide forms, information, assistance and answers to commonly asked questions to people representing themselves in a family law case. This workshop is offered 1-2 times per year and is free to attendees.
4. *Additional Parent and Family Education*. It is a continuing objective of UCFLAC to support, sponsor and/or partner with community organizations to offer additional training for parents involved in ongoing conflict and to offer child development programs for children of divorcing parents. The Court may order parties to attend such supplemental education programs as the Court deems to be in the best interest of the minor children.

Dispute Resolution

1. *Child Custody and Parenting Time Mediation*. The Court has adopted a mandatory mediation program pursuant to ORS 107.755 for domestic relations suits involving custody or parenting time disputes.

Upon a response being filed to a petition for dissolution, custody and parenting time or modification of an existing judgment, parents are referred to mediation. The Court has assembled a panel of qualified mediators appointed on a rotating basis. Up to 6 hours of mediation services are provided at no additional cost to parents, as court-connected

domestic relations mediators are compensated through the Court's Mediation Assessment Fund.

Mediation gives the parents an opportunity to develop a mutual agreement on parenting their children after a divorce or separation. If an agreement can be reached the need for judicial intervention is removed. Although parents are not required to come to an agreement in mediation, every parent is required to attend mediation orientation absent good cause.

*NOTE: The court does not currently offer mediation services for issues other than custody and parenting time. Court-connected mediation for child support issues may be available on a case-by-case basis if assigned mediator is qualified to mediate such issues. If parties wish to mediate other issues such as financial support and/or property division, they must privately retain the services of a qualified mediator.

2. *Collaborative Custody Evaluations.* In-depth custody evaluations may be requested by the parties or ordered by a judge when parents are unable to agree on custody or parenting time. Evaluations are conducted by qualified experts to assess the family's history, each individual's capacity to parent, and the needs of the child(ren). After an extensive evaluation, a report is generated making recommendations on custody and parenting time. One or both parents shall be responsible for the costs of the evaluation. The Court may determine the amount that each party will pay for a collaborative custody evaluation based on financial ability; partial funding may be available through the Court's Mediation Assessment Fund.
3. *Psychological Evaluations under ORS 107.425.* The Court may order a parent to undergo a psychological evaluation to assist in determining custody and/or parenting time. This can be a useful tool when a parent has significant mental health issues or substance abuse problems that may interfere with parenting ability. The Court may determine the amount that each party will pay for a psychological evaluation based on financial ability; partial funding may be available through the Court's Mediation Assessment Fund.
4. *Arbitration.* Domestic relations matters in which the only issue is division or disposition of property are subject to mandatory arbitration. Arbitration is a procedure much like a trial but less formal. Instead of a decision being made by a judge or jury, a qualified arbitrator is appointed to hear the evidence and make a decision. Each party is responsible for one-half of the arbitrator's fee.
5. *Settlement Conference.* The Court may set a mandatory settlement conference on its own motion or at the request of any party. A settlement conference offers a forum to resolve disputes short of going to trial through the active participation of parties, counsel

(if applicable) and the Court. It is different from mediation in that the settlement judge may offer direction and advice to assist the parties in reaching a settlement.

Pro Se Family Law Litigation Assistance

As part of a statewide effort to improve access to justice for persons representing themselves in family law cases, the Court provides assistance to pro se litigants in family law cases. The Family Law Litigation Assistance program operates under the provisions of ORS 3.428, with the authorization to provide the following services:

- ❖ Educational materials
- ❖ Court forms (see below)
- ❖ Assistance in reviewing completed forms
- ❖ Information about court procedures
- ❖ Referrals to agencies and resources that provide legal and other services to parents or children

Court staff is prohibited from engaging in the unlawful practice of law, and the services offered by the Court to assist pro se litigants are not a replacement for valuable legal advice.

Court Forms

Family law forms involving uncomplicated issues are available for a fee at the Union County Courthouse. Please contact the Family Law Coordinator at (541) 962-9500 x 2228 or visit us at 1008 K Avenue, 3rd Floor, La Grande, OR 97850.

Some of the forms available to initiate or respond to a court action include:

- ❖ Dissolution (Divorce) and Legal Separation
- ❖ Custody, Parenting Time and Child Support for Unmarried Parents
- ❖ Modification of Custody, Parenting Time and Child Support
- ❖ Enforcement of Custody and/or Parenting Time

A complete list of forms is available at:

<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/familylawforms.page>

Filing Fees

Fees for family law cases are due at the time of filing. For a current fee schedule, please contact the Civil Department at (541) 962-9500 or go to the Union County Circuit Court website at <http://courts.oregon.gov/Union>.

If a party cannot afford the fee at the time of filing, applications for a fee deferral/waiver are available in the Civil Department, 3rd Floor, Union County Courthouse, or online at:

[http://courts.oregon.gov/OJD/docs/OSCA/cpsd/courtimprovement/familylaw/Gen-FeeWaiver-Initial Applic Decl Instr v2.1 2012-10-25.pdf](http://courts.oregon.gov/OJD/docs/OSCA/cpsd/courtimprovement/familylaw/Gen-FeeWaiver-Initial%20Applic%20Decl%20Instr%20v2.1%202012-10-25.pdf) .

If a fee *waiver* is granted, a filing fee will not be required. If a fee *deferral* is granted, payment of the entire filing fee is still required, but rather than paying the full amount up front the court will set up a schedule so that installment payments can be made monthly, or as determined by the Court. The collection of deferred fees is the same as any other monetary obligation.

Coordination of Services

Rather than create new programs that may duplicate services already available through a number of existing social and human services in the community which are designed to assist and stabilize families and provide appropriate assistance during times of family transition and/or crisis. Several specific service providers, such as Shelter From the Storm, Building Healthy Families, and the Division of Child Support, have been identified to assist families in avoiding the court system.

Resources

Union County Circuit Court

<http://courts.oregon.gov/Union>

Family Law in Oregon

<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/pages/index.aspx>

Oregon State Bar

<http://www.osbar.org/>

Oregon Dept. of Justice, Division of Child Support

<http://www.oregonchildsupport.gov>

Provides information about child support, including the Child Support Guidelines and Worksheets.

Legal Aid

<http://oregonlawhelp.org/>