

OREGON LAW CENTER

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TESTIMONY IN SUPPORT OF SB 375

Before the Senate Judiciary Committee

February 2nd, 2015

Submitted by: Sybil Hebb

Chair Prozanski, and Members of the Committee,

On behalf of the Oregon Law Center (OLC), I write in support of SB 375, which would allow the use of a declaration under penalty of perjury as an alternative to a notarized affidavit in certain types of court filings.

OLC's mission is to provide access to justice for Oregon's vulnerable low-income populations by providing the highest quality civil legal services. A significant % of our cases are family law cases, almost all of which involve domestic or sexual violence, elder abuse, or child abuse. Several of the proceedings impacted by Senate Bill 375 are family law proceedings.

Our clients seeking assistance with protection orders, divorce, custody, and safe parenting time for their children are at a crisis point in their lives. They struggle to meet the physical and psychological safety needs of their families, while also juggling work and school schedules. The complexity of the paperwork necessary to access the protection they need can be over-whelming, even with legal assistance. Those who must confront the legal process without access to assistance face even greater barriers.

Senate Bill 375 will simplify the process of filing legal papers. Where a sworn, notarized affidavit is now required, the bill will instead allow the use of a declaration under penalty of perjury. It is increasingly difficult in today's time to find a notary. Often this service can only be purchased, and only during business hours. These seemingly small inconveniences can be big barriers to low-income Oregonians juggling safety, work, school, and family responsibilities. The use of a declaration under penalty of perjury serves the same purpose, in most situations, as an affidavit, but is far simpler. Senate Bill 375 will streamline the filing of important paperwork to allow families to better access the relief they need.

OLC appreciates the interactive process by which the Judicial Department sought input from stakeholders regarding this concept. Specifically, we appreciate that the bill carves out requests by protected persons for dismissals of Sexual Abuse Protection Orders, Family Abuse Prevention Act restraining orders, and Elderly Persons and Persons with Disability Abuse Prevention Act protection orders. In these contexts, the bill does not allow a declaration to be substituted for a sworn affidavit. The protected person who moves for a dismissal of one of these orders must use an affidavit. This is an appropriate protection against possible mis-use of the protection order dismissal process.

In summary, OLC supports SB 375 and we respectfully urge its passage to simplify access to important relief for litigants. Thank you for the opportunity to submit testimony.