



CIRCUIT COURT OF THE STATE OF OREGON

FOR LANE COUNTY
LANE COUNTY COURTHOUSE
125 E. 8TH AVENUE
EUGENE, OREGON 97401-2926

Debra K. Vogt
PRESIDING JUDGE
(541) 682-4027

April 2, 2019

The Honorable Jackie Winters, Co-Chair
The Honorable Carla Piluso, Co-Chair
Ways and Means Subcommittee on Public Safety
900 Court Street NE
H-170 State Capitol
Salem, OR 97301-4048

RE: Support for SB 5513 – Oregon Judicial Department Budget Bill

Dear Co-Chairs Winters and Piluso and members of the Joint Ways and Means Subcommittee on Public Safety:

Thank you for the opportunity to provide written testimony in support of SB 5513, the Oregon Judicial Department's budget bill. I would prefer to make these remarks in person, but the demands of our docket and caseload require my time and attention at the court today. In lieu of being there in person, I offer my support for the bill and want to emphasize two areas of critical concern to us locally at the Lane County Circuit Court.

First, as you know, Lane County is in dire need of a fully functional courthouse. Not only have the needs of Lane County outgrown our current courthouse, the building is not functional for a variety of key courthouse requirements, such as citizen access, inmate transportation and separation of parties. The space is inadequate, the layout is unsafe, and the building is beyond further repair or remodel. All these issues have led to inefficiencies, extraordinary costs and constant safety risks that are untenable.

In this regard, Lane County's request for \$87.6 million in state bond matching funds for courthouse construction (OCCCIF) that is included in the Chief Justice's budget is of paramount concern. You will hear testimony from Commissioner Jay Bozievich and Lane County staff regarding the state of the project. Lane County has been working hard for many years to be ready at this juncture for the next step in the process. We are ready.

Second, I also want to lend my support to the rest of the Chief Justice's budget priorities. Lane County Circuit Court hears over 33,000 cases each year. An average of 600 people per day come to our court for justice services. Last year, over 3,000 people attended court as jurors. I have attached a document demonstrating some important points about

our work. Our court serves as the seat of justice for the citizens of Lane County, but without adequate staffing, we are on the brink of reducing hours of service. Our staff is dedicated and mission driven, but having them continue to do the important work that must be done at our current staffing level is tenuous at best.

On top of the number of cases, it is important to note that the complexity of the work we do is increasing. Every day, in family law proceedings, our court encounters more self-represented citizens than ever before and provides family law facilitators to try to help them. Lane County Circuit Court offers four treatment courts that utilize evidence-based best practices to help individuals stop the cycle of recidivism and become productive members of society. We closely monitor adult guardianships and child welfare cases. All of this is being done with over 12% fewer staff than we had just 10 years ago. Despite working diligently on progress in technology and efficiency, the current staffing level is simply not sustainable and does not serve the best interests of providing justice in our community.

I appreciate your time and attention to the OJD budget bill and ask for your full support. Please feel free to contact me or our Court Administrator, Liz Rambo with questions.

Sincerely,



Debra K. Vogt
Presiding Judge, Lane County Circuit Court

cc: Commissioner Jay Bozievich
Alex Cuyler, Lane County Legislative Liaison
Steve Mokrohisky, Lane County Administrator
Phillip Lemman, Deputy State Court Administrator

Lane County Circuit Court Serves the Community

33,000+ Cases Filed Each Year (see next page for detail)

127,000 electronic filings received and processed in 2018

Four Treatment Courts Adult Drug Court, Veteran's Court, Mental Health Court, Youth Drug Court

Protecting Vulnerable Citizens

The Court oversees and monitors **\$77 million in conservatorship assets**

1743 open **child welfare cases**

760 open **adult guardianships** (elderly people and people with disabilities)

1732 Abuse prevention and protection orders issued in 2018

Access to Justice

Lane County Circuit Court provides family case **facilitation services to self-represented litigants**

Along with the rest of OJD, Lane provides **interpreter services** for individuals with a large variety of language needs.

3148 citizen jurors attended court in 2018 and others participated by taking part in juror orientation.

Lane is one of only 3 circuit courts statewide that continues to provide **public service 8 a.m. to 5 p.m.**



2018 Lane County Circuit Court – By the Numbers

2018	Filed	Completed	Clearance	
			Rate	Pending
Civil	5,305	4,860	92%	2290
Landlord Tenant	1,741	1,707	98%	184
Small Claim	6,758	7,586	112%	2389
Dissolution	1,474	1,482	101%	381
Abuse Prevention	1,732	1,691	98%	13
Felony	1,999	2,362	118%	853
Misdemeanor	1,816	1,804	99%	980
Violation	8,876	8,915	100%	1065
Juvenile Dependency	774	990	128%	1743
Mental Health	170	166	98%	2
Probate	1,019	1,022	100%	1564
All Other Case Types	1,578	1,675	106%	822
Total Case Filings	33,242	34,260	103%	12,286

Annual filed and completed numbers are by calendar year, but not all cases are filed and completed in the same calendar year.

The court always has active pending cases. The clearance rate (completed/filed) shows how well the court manages the incoming workload or reduces backlog during a calendar year.

For more information about the court, please feel free to contact court administration at (541) 682-4166, or see the OJD Statistics website at:

<https://www.courts.oregon.gov/about/pages/reports-measures.aspx>



Family Court Assistance Office Lane County Circuit Court



Program Report

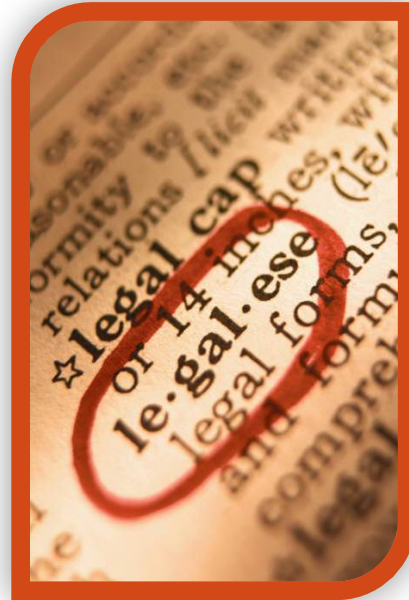
Family Court Assistance Office
Lane County Circuit Court
541-682-4302

www.courts.oregon.gov/Lane

Family Court Assistance Office

Lane County Circuit Court

The Family Court Assistance Office opened its doors February 1, 2001. The program is authorized by ORS 3.428. The service was established as part of an overarching plan to increase access to justice as recommended by a 1997 Oregon Task Force on Family Law. Research found at least 80% of all domestic relations cases included at least one self-represented party. Since its inception, the Office has burgeoned from the original one-employee operation in the tiny third floor office into our current location on the 2nd floor of the courthouse and includes one Facilitator, a Program Coordinator, and full time reception staff.



Program components include:

- Daily Intake Hours
- Phone and Email Services
- Document Review
- Child Support Calculations
- Judgment Preparation after Trial
- Ex parte Assistance
- Form Management and Development
- Unbundled Services Attorney List
- Trainings and Presentations

Colleen Carter-Cox, Family Court Coordinator

Vice Chair, Lane County Family Law Advisory Committee
 Member, State Family Law Advisory Committee
 Member, OJD Domestic Relations Forms Task force
 Member, Law and Policy Work Group – Standardized Forms Subgroup
 Bilingual in Spanish and English

Edie Carcamo, Family Court Facilitator

Bilingual in Spanish and English

Reception Support:

- Nadine Pratt
- Barb Buss



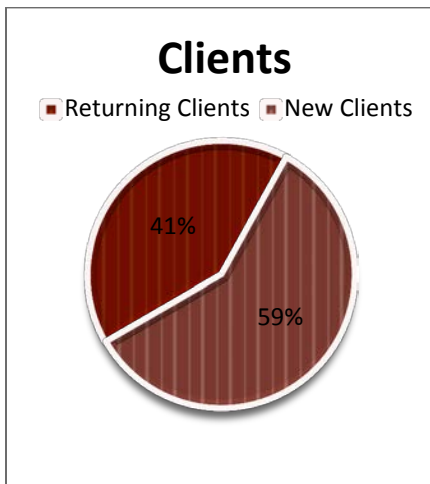
Intake Hours

Our intake services assist self-represented litigants who are involved in domestic relations cases in the Lane County Circuit Court. There is no consideration of financial status of the parties who seek our help and services are free. Customers sign in with office reception and are assisted on a first-come, first-serve basis. Intake hours are primarily to provide forms, procedural information, referral to resources, and to answer brief questions about a case. While there are a few exceptions, we generally do not provide document review during these hours. Our intake hours are Monday through Friday from 8:30 – 11:30am.

Intake assistance:

- Information about forms and procedures
- Referral to OSB, Legal Aid, Unbundled Attorney List
- Information about Child Support
- Information about Parenting Plans, Focus on Children and Mediation
- Answering questions about case status and progress

All new customers are asked to complete an Intake and Waiver form. The form collects both statistical and case type information. The information is entered into a client database developed in 2008 for FCAO. The database allows FCAO staff to more effectively share information, track information regarding client visits and statistics.



- More than 65% of clients have an income of less than \$20,000
- Almost 40% are between 26-35 years of age
- Almost 60% have no higher than a high school education
- An average of 60% of the clients are women

Phone and Email Services

In June of 2015 the office moved to our current location on the 2nd floor. At that time, FCAO was given much needed, full-time reception support from court records staff. Having this phone service is a huge improvement on access to justice. Reception provides support services including checking people in during intake hours, selling forms packets, fielding basic questions both in person and over the phone regarding services, hours and fees, scheduling appointments, and taking messages for FCAO staff.

- FCAO returns over 200 calls each month from self-represented litigants
- Staff also responds to frequent emails from litigants

There are many customers who, due to work schedules, transportation, or because they live outside of the area, rely on these phone communications to gather information. We need several hours each day to return these calls. Due to limited staff, we depend on “no shows” for appointments to allow us the opportunity to complete return calls, however we are often unable to return these calls within 24 hours.

Document Review

Our Coordinator and Facilitator provide document review services by appointment in the afternoon. FCAO is currently limited in the slots we may offer litigants each week. We offer ten - 30 minute slots per week. However, some cases often require two slots or return visits from litigants, for example customers with a need for specialized assistance (including members of our community who do not read or need information translated) and cases with multiple issues such as child custody or domestic violence issues requiring safety considerations. The average waiting period for availability of these appointments is two weeks and the office maintains a cancellation list. There are some exceptions when we will review documents on a “drop-in” basis during intake hours. This is left to the discretion of staff for time sensitive pleadings such as responses, motions for temporary relief, or people who have travelled long distances.

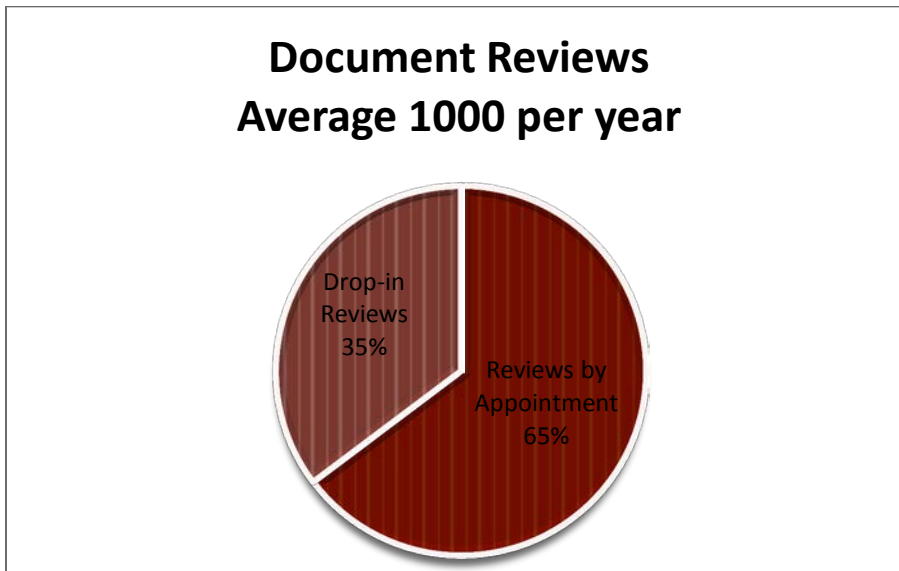
Document review consists of:

- Review of complete documents
- Answering procedural questions
- Explanation of documents

- Notarizing signatures if necessary
- Making necessary copies
- Organizing for filing and service of process
- Directing litigants to other resources or agencies

If a customer has attended an appointment and the documents have been completely reviewed, FCAO will stamp (initial and date) the document in the top, left of the document to alert staff of the completed review. This stamp is particularly helpful to the ex parte judges when reviewing documents during the often high-volume ex parte proceedings.

FCAO REVIEWED Date _____ by _____



Average Length of Appointment Visits (Review)	42.5 minutes
Average Length of Drop-in Reviews	36.22 minutes

Child Support Calculations

Customer Request

A party can complete a “Child Support Calculation Request” form and bring it to a document review appointment. The form requires all of the necessary information to input in the calculator tool on the Division of Child Support website. Many litigants do not have access to a

printer or do not have the sophistication to maneuver the calculator online. These are generally done as part of a Petition or a Default Judgment. Having this service is crucial considering by Court rule a judge cannot sign a Judgment that includes a support award without attached worksheets.

Judge's Ruling

FCAO has prepared a Child Support Findings Table (Exhibit 1) for easy use on the bench to collect the necessary information from self-represented litigants for FCAO to calculate support. Judges seldom run the support calculations during the court proceeding and instead these calculations are done during the judgment preparation.

Judgment Preparation after Trial

In 2010, the Coordinator started doing regular judgment preparations for self-represented litigants by referral from the trial judge. After the parties present evidence and testimony in their matter, the Court issues its findings and orders. Judges may issue their opinions, rulings or judgments in a variety of ways. Some judges prepare a Findings Memo (Exhibit 2) that they will send directly to FCAO; some prefer to prepare their own Opinion and Order, while others may prepare the judgment while the litigants are in Court. At times, the Coordinator must listen to FTR, the court recording system, to prepare for the meeting with the litigant(s) to better assist them in an efficient manner. The Coordinator sets aside appointment slots each week to timely accommodate the court referred matters.

- FCAO prepares an average of 85 judgments after trial per year

Ex Parte Assistance

In 2009, the Coordinator began to regularly attend Ex Parte to provide on-the-spot assistance to self-represented litigants, assist the law clerks, and to facilitate the interface between the litigants and the judges. This addition has proved invaluable to court staff and allows a more efficient process for the large percentage of these litigants that access the court system while equally beneficial to the Court. This screening allows for:

- Increased access to litigants
 - Help with minor issues on forms reduces the amount of litigants who are turned away or need to later correct issues
 - Explanation of court procedures improves the court experience

- Interfacing with the judge improves communication, understanding and inspires confidence in the court system
- Improved efficiency for Judges
 - Prescreening of documents to identify issues or concerns
 - Case status information
 - Procedural and Rule information regarding fees and scheduling court dates
 - Prescreening of emergency orders for proper notice and case status

In addition, the Ex Parte team (Judges, law clerks, FCAO and Court Administration) began meeting on a regular quarterly basis in 2009. The Coordinator schedules, sets and manages the agenda. These meetings allow for increased communication, timely problem solving, and improved procedural consistency.

Form Management and Development

FCAO is responsible for the maintenance, inventory, and ordering of all of the domestic relations forms for the Lane County Circuit Court. Form packets are available to purchase for a nominal price from both Court Records/FCAO and the Cashiers and free to download from the Court's website.

- FCAO maintains a total of 49 packets of domestic relations forms, 19 of which were developed locally

The coordinator is also involved in the development of the forms statewide. She has been a member of the OJD Domestic Relations Forms Task Force since 2011 and a member of the Standard Forms Subgroup of Law and Policy since 2016. This involvement allows Lane County to have a voice in the statewide development of forms.

Unbundled Services Attorney List

In 2003 in collaboration with the Pro Bono Subcommittee of the Lane County Bar, Legal Aid, and then Presiding Judge Jack Mattison, FCAO began managing a list of local attorneys who are willing to provide unbundled services to self-represented litigants involved in domestic relations cases in Lane County. FCAO continues to manage this list and issues a yearly notice in the local bar news about the list.

Trainings and Presentations

Since the addition of the Coordinator position in 2009, FCAO participates regularly in training internal staff at the Court as well as outside agencies.

Law Clerk Training

- Ex Parte training
- Judgment Preparation
- Child Support Calculations

Presentations

- Victim Services Program advocates
- Kids' First
- University of Oregon Law School mediation class
- DHS Child Welfare

Additional Program Activities

Tools/Resources for Judge's staff

- Maintains Supervised Parenting Time Provider list and Judgment Templates on Intranet

Informal Domestic Relations Trial

- Assisted in IDRT rollout for Lane County

Program Timeline



Future of the Program

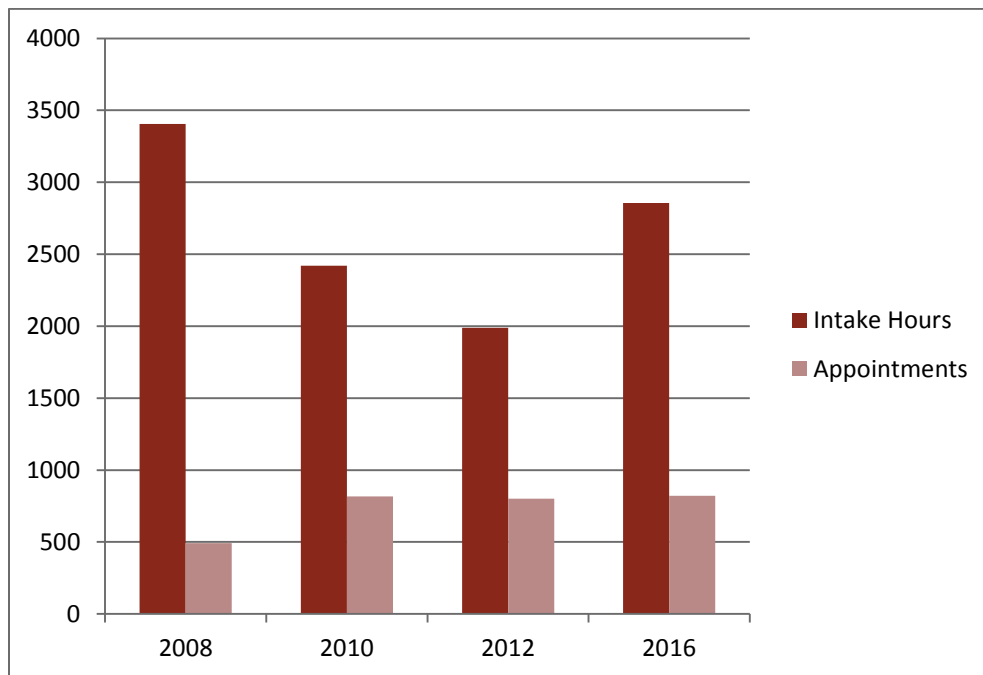
Program Goals

- Expand assistance with consolidated cases at Juvenile Court
- Develop self-help class in collaboration with Lane County Legal Aid/Oregon Law Center and Lane County Family Law Advisory Committee
- Collaborate with Centro Latino Americano to increase services to Spanish Speaking residents of Lane County
- Develop additional resources for self-represented litigants to access on-line tools and forms
- Capitalize on the OJD website overhaul and improve information available to litigants regarding family law on our local court website

Program Needs

The chart below compares the volume of litigants accessing FCAO services during our morning intake hours and afternoon appointments. In 2010 we made a huge shift to improve access. Up until that time, FCAO was the only location within the courthouse where a litigant could purchase forms. We were inundated with customers waiting to see us, many of whom just needed forms. We made the change in 2010 to distribute forms from the Cashiers in addition to FCAO. This immediately alleviated our volume and decreased the wait for those customers who simply needed to purchase a packet. After expanding and adding staff in 2009, the customer

numbers immediately increased and remained fairly consistent over the next few years. Numbers have recently increased and, at current staffing levels we are turning away members in our community who are in need of our assistance.



The FCAO staffed at only 2 FTE is not able to assist any more people. Litigants choose to leave or not to schedule appointments due to the wait. The current location has office space for one additional person. In order to assist more people and meet our program goals, we need an additional facilitator. The Family Court Assistance Office functions to improve efficiency within the court, assist staff, and most importantly, increases access to our court system for the citizens of Lane County. As a representative sampling, our figures for June of 2017 were as follows:

- In June 2017 (22 business days), 258 customers signed in to see FCAO during the morning intake hours
- 20 left before being seen due to the wait (average wait is often more than one hour)
- An additional 99 people chose NOT to sign in due to the wait and left without service

Conclusion

Since the inception of its office, the FCAO Program and its dedicated staff have provided significant and useful service to the community, litigants, the Court and staff. We look forward to finding better ways to continue to pursue the mission statement of the Oregon Judicial Department.

“As a separate and independent branch of government, our mission is to provide fair and accessible justice services that protect the rights of individuals, preserve community welfare, and inspire public confidence.” –Chief Justice Thomas Balmer, Oregon Supreme Court.



Necessary Findings for FCAO to perform child support calculations

Uniform Support Declaration required per UTCR 8.010(4)

Finding	Petitioner	Respondent
<p>Gross monthly income from all sources OAR 137-050-0715</p> <p><i>(current lowest minimum wage \$1733.33 per month)</i></p>		
<p>Adjusted Income: OAR 137-050-0720</p> <ul style="list-style-type: none"> • Spousal Support: • Mandatory union dues: • Non-joint children: 		
<p>Children: Number of overnights per year each child spends with parent OAR 137-050-0730</p>		
<p>Available private insurance OAR 137-050-0750</p>	<p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Premium cost for parent: \$ child: \$</p>	<p><input type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Premium cost for parent: \$ child: \$</p>
<p>Social Security or Veteran’s benefits paid to child due to parent’s disability or retirement OAR 137-050-0740</p>		
<p>Child care costs for children under 13 or with a disability OAR 137-050-0735</p>		
<p>Cash medical support findings OAR 137-050-0750</p>		
<p>Exceptions to minimum order? OAR 137-050-0755</p>		

Date:	Case name:	
<input type="checkbox"/> General Judgment <input type="checkbox"/> Supplemental Judgment	The following persons were present: <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Adult Child <input type="checkbox"/> Other _____	
Judge's Name: _____	Court room _____	FTR Hearing start time ____:____ Findings start time ____:____

- 1. Custody and Parenting Time** (ORS 107.105, 107.137, and 107.102)

Sole custody awarded to Petitioner Respondent; *or* Both parties agree to **joint** custody

Parenting time is ordered (please attach copy of mediated parenting plan or notes from trial). Supervised by: _____ **No parenting time** is ordered.
- 2. Reasonable written notice required prior to move of more than 60 miles** (ORS 107.159)

Yes No
- 3. Child Support** (ORS 107.105)

Uniform Support Declaration submitted by Petitioner Respondent

Child support remains in effect as previously ordered in case # _____, *or*

Guideline amount ordered beginning (date) _____. Prior obligation terminated.

There is reason to rebut the guideline amount as to the other parent.

Are there joint kids ages 18, 19, or 20? (ORS 107.108(4)(a) makes adult child a party to case)

Adult child has been served and filed a waiver of appearance participated in the hearing

Child support **WON'T** be ordered for CAS. Findings: _____

or, Child support **WILL** be ordered for CAS as follows: both parents ordered to pay guideline amount; *or* Petitioner Respondent should be ordered to pay guideline amount.

Child Support Findings table is attached to this memo.
- 4. Tax Dependents**

Petitioner Respondent is entitled to claim child(ren) as dependent(s) for tax purposes, *or*

Other: _____
- 5. Life Insurance** (ORS 107.106)

Petitioner Respondent shall maintain life insurance policy in amount of \$_____ naming child(ren) as beneficiary, *or* No requirement for life insurance.
- 6. Health Care Coverage** (ORS 107.106 and ORS 25.323)

PRIVATE insurance is available to Petitioner Respondent Both parties, **AND**

Petitioner Respondent Both parties is/are required to maintain this coverage for the child/ren. **OR**
 Neither party has private insurance available. The custodial parent shall apply to enroll the child/ren in PUBLIC health care and that coverage should be maintained, **AND** Petitioner Respondent Both parties shall provide PRIVATE health care coverage in the future if it becomes available through any source at a reasonable cost.

Cash Medical Support (ORS 25.323(4)(b) must be ordered if no private insurance, unless findings included why not) Will Will NOT be ordered. Findings: _____

7. **Uninsured Costs** Petitioner _____% and Respondent _____% of uninsured costs. (ORS 107.106)

8. **Spousal Support** as follows: Transitional Maintenance Compensatory (ORS 107.105)

Factors: _____

Amount: \$ _____ Duration: _____ Health and/or Life insurance for spouse: _____

9. **Real Property Division.** There is is not real property. Property divided as follows: _____

10. **Personal Property Division.**

Each party to keep any personal property in his/her current possession; or divided as follows:

Petitioner: _____

Respondent: _____

11. **Retirement Benefits**

Parties to retain their own separate accounts, free of any interest to the other party

Other: _____

12. **Debt Distribution**

Petitioner's debts: _____

Respondent's debts: _____

13. **Former Name Restored**

Petitioner's Respondent's former name of _____ is restored

14. **Costs and Service Expenses** (filing fees, trial fees, process fees)

15. **Additional Provisions**
