

Testimony on House Bill 5012 — OREGON JUDICIAL DEPARTMENT BUDGET

For the Public Safety Subcommittee

Joint Ways & Means Committee

April 14, 2021

Submitted by:

Maureen McKnight, Senior Judge

Former Chief Family Court Judge in Multnomah County

maureen.mcknight@ojd.state.or.us

Co-Chairs Sollman and Gorsek and Members of the Subcommittee,

Thank you for the opportunity to address the OJD budget and in particular Policy Option Package (POP) 103, Improving Outcomes for Children and Families.

This proposal involves a collaboration with the Oregon Department of Justice on what we call Title “IV-D” cases, IV-D being the section of the federal Social Security Act that details federal requirements states must follow for child support matters as a condition of the state receiving federal funds for welfare (TANF) programs.

POP 103 would allow OJD to do three things:

- **Leverage federal dollars, a 66% match, for certain court functions related to child support**

By identifying court cases as IV-D, that is, involving families whose child support matters are handled through the child support program administered by DOJ, the Judicial Department will be able to track data entry functions that are eligible for a 2/3 federal match. These data entry actions include scheduling and notice of hearings, processing and entry of petitions, motions, and orders, and registering support orders from other states.

The POP provides for the staffing to implement this identification and tracking process on a statewide basis and oversee the implementation of what we hope will be a long-standing collaboration with DOJ. SB 298, which amends ORS 18.040 on money awards, has passed the Senate with language that requires a IV-D identifier on child support judgments so court staff can code the case in the court’s case management system to facilitate tracking the court’s IV-D work for federal reimbursement.

- **Expand support for court facilitators helping Oregon parents with child support issues**

As the committee is aware, 86% of litigants in Oregon family law matters do not have attorneys. This means these individuals must navigate the judicial system on their own, struggling to understand legal language and process. This is where facilitators can help. These are individuals statutorily authorized and specifically trained to help those who are helping themselves move through complex legal systems. Those who are served by facilitators in our courts are often the most marginalized and vulnerable in Oregon. Many but not all our courts have facilitators who provide procedural assistance but facilitation staff, even when present, is spread very thin, not close to meeting demand, and in some counties, not able to help parents with the support calculation documents that must be prepared and attached to every child support judgment. The POP would provide for two centralized facilitators trained in child support issues who can verify a parent's involvement in the IV-D system for a local court and assist that local court in preparing the needed child support calculation.

- **Centralize a problem-solving approach to adjudication of child support enforcement matters**

DOJ and District Attorneys in those counties who contract with DOJ to do IV-D work file thousands of child support enforcement matters with the trial courts annually, often as contempt of court cases. Local courts vary on how those cases are scheduled and the resources directed toward them, and judicial approach can vary as well. What POP 103 would do is fund a Child Support Referee position that would handle those cases in several counties, providing a consistent, cross-county problem-solving approach -- looking at *why* an obligor is not paying support and what referrals and monitoring the court can do to address substance abuse, mental health issues, or job readiness that will improve outcomes not just for children in terms of support payments but often for the obligor's self-sustenance and family relations as well.

OJD and DOJ are strongly aligned in our efforts to improve both access and outcomes in the child support arena. We are grateful for their time and contributions in developing the legislation now before the House and in developing POP 103. My colleague from DOJ will speak next to our shared interests in supporting Oregon families so I will close with appreciation for your time today.