

Testimony in Support of HB 5012
Joint Committee on Ways and Means Subcommittee on Public Safety
April 14, 2021

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

My name is Debra Dority, and I am a legal aid lawyer. On behalf of Oregon Law Center (OLC), thank you for the opportunity to testify this afternoon in support of House Bill 5012 and the funding it provides for the critical work of Oregon's judges, mediators and court staff. I am here to speak for our clients and the over 100 legal aid lawyers serving low-income Oregonians statewide. OLC's mission is to achieve justice for the low-income communities of Oregon by providing a full range of the highest quality civil legal services. Without a robust judicial department, we would be unable to succeed in this mission.

By way of background, I have represented and worked on behalf of survivors of domestic violence, sexual assault and stalking for the last fifteen years. My focus has been on family law, protective orders, and other laws that protect survivors. I have represented survivors in rural, urban and coastal counties, and I now provide support in such matters to the attorneys in our offices throughout the state. No matter the setting, communities rely on judges, family law facilitators, clerks, mediators, and other court staff to have meaningful access to justice. OJD is committed to ensuring access to the courts for all family law and domestic violence litigants, and the agency works closely with community partners in furtherance of that goal.

Access to Justice:

It is estimated that in over 85% of all domestic relations cases (family law and restraining order matters), at least one of the parties is self-represented and in 50% of the cases, both sides are self-represented. It is essential that court staff and systems have the capacity to facilitate access to Self-Represented Litigants (SRLs). A legal matter is often an intimidating and frustrating process, and litigants who are engaging the legal system are rarely at their best. Often, litigants are overwhelmed by their personal, often traumatic situations and are not able to understand or undertake drafting of complex legal documents. OJD has consistently sought feedback from stakeholders in ensuring that its systems, staff, and procedures facilitate access to justice for all litigants, including SRLs.

Safety and Protection:

Perhaps most importantly, our courts need funding in order to remain open and accessible to survivors of domestic violence, sexual assault, stalking, and other violent crimes. Domestic violence affects a significant number of family law litigants. More than 30% of hospital emergency-room visits are women who have been abused and, in Oregon, domestic violence is

present in over 30% of DHS, Child Welfare cases where abuse to a child was founded. Since the beginning of 2021, there have been fifteen domestic violence-related deaths in Oregon.

Obtaining a restraining order is often the first line of defense a victim has against an abusive partner or dangerous person. Restraining orders are also often the first step a survivor takes in finally leaving a dangerous relationship. OJD has regularly prioritized access to the courts for domestic and sexual violence survivors, as well as other survivors of violence. Since the very first Chief Justice Order (CJO) during the pandemic, protection order hearings (as well as “immediate danger” hearings that protect children from abuse) were considered “essential proceedings” and have always been available. Each CJO has continued to prioritize these important proceedings, recognizing that the need for such protections not only continue during the pandemic, but likely increase. In fact, many studies have shown that incidents of domestic violence have significantly increased during the pandemic.¹

Facilitators, court staff and Remote Filing/iForms (services for litigants)

One of the most important and impactful services OJD provides, and one of the services most sought by the public, is that of the family court facilitators. As mentioned above, facilitators and court staff guide litigants through a very complex system, and often when the litigants are in a very difficult, often dangerous, situation. Facilitators and court clerks are often the first people with whom a domestic or sexual violence survivor comes into contact. These interactions are often the first opportunity for a survivor to form an opinion on whether they can trust the legal system to provide them safety from an abusive situation.

Facilitators help litigants access both traditional and interactive self-help court filing forms (iForms). These fillable forms are generated through an interactive interview-type process, (similar to that of TurboTax) and result in completed pleadings that can be filed with the court. OJD worked with multiple stakeholder groups to develop these forms, in order to increase access to justice for SRLs. OJD has also created systems to allow remote filing of most of these forms, thus opening participation for many litigants who were previously challenged by lack of transportation, childcare, or other access barriers. I have seen first-hand the time, thought and energy the facilitators spend working to provide the highest quality services to the public, even while doing so remotely.

OJD’s work with Stakeholder Groups:

OLC has had the privilege of working with OJD on multiple projects. I have been involved with the statutorily created State Family Law Advisory Committee (SFLAC) and OJD’s Law and Policy Workgroups (LPWG) since 2016. These multidisciplinary groups meet regularly to provide input, recommendations and materials to the Chief Justice and OJD regarding legal updates and reforms that will make the system fairer and promote access to justice. Among other things, we work to implement accessible self-help forms and instructions that are both legally accurate and in plain language.

¹ [Domestic Violence Is a Pandemic Within the COVID-19 Pandemic](#) (Time); [Calls to Oregon’s domestic violence crisis lines spike amid coronavirus crisis](#) (The Oregonian); [Study Finds Rise in Domestic Violence During COVID](#) (WebMD); [Alarming trends in US domestic violence during the COVID-19 pandemic](#) (American Journal of Emergency Medicine).

These are just a few instances in which OJD's work with multi-disciplinary stakeholders has prioritized access to justice. In the last year, as Oregonians across the state have struggled to cope with the COVID pandemic and devastating wildfires, the Oregon Judicial Department has continued to prioritize outreach and involvement with stakeholders in order to be as responsive as possible to the community's highest needs.

In closing, OJD needs sufficient funding to continue to provide meaningful access to the justice system for self-represented litigants and to survivors of domestic and sexual violence. In addition, OLC supports OJD's policy option packages, which are designed to increase access to those who have faced greater barriers to justice. These POPs prioritize improvements in services to vulnerable populations and those in rural communities, and are designed to reduce racial inequality, and disproportionate outcomes. For these reasons, we ask that you support HB 5012 and request an Aye vote.

Thank you for your time and for the opportunity to testify.