

**TESTIMONY ON SB 298
BEFORE THE SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110
IMPLEMENTATION
FEBRUARY 16, 2021**

**PRESENTED BY: MAUREEN MCKNIGHT, SENIOR JUDGE
OREGON JUDICIAL DEPARTMENT**

Chair Prozanski, Vice Chair Thatcher, and Members of the Committee:

My name is Maureen McKnight and I am a retired family law judge. I served for 18 years in Multnomah County, where I was the Chief Family Court Judge. Prior to taking the bench, I practiced for 22 years exclusively as a family law attorney with Oregon's Legal Aid programs. I now serve as a judge when and where assigned by the Chief Justice. I am here to testify in support of Senate Bill 298, a bill brought before you at the request of Chief Justice Walters and OJD. I am joined by Erin Pettigrew, Access to Justice Counsel at the Oregon Judicial Department (OJD).

Senate Bill 298 is OJD's "Housekeeping" bill. Senate Bill 298 furthers our Strategic Campaign initiative to eliminate barriers to access to justice by simplifying and streamlining processes and forms while enhancing service options. The bill contains several minor proposed changes to various statutes, intended to facilitate court filings and streamline proceedings, which may improve our service to assist self-represented litigants.

Section 1 makes minor wording changes to ORS 30.866, the "civil stalking" statute. That statute currently uses a variety of terms, sometimes overlapping or conflicting, to refer to the parties in a civil action to obtain a stalking protective order -- such as "person," "other person," "victim," and "plaintiff." The bill proposes using the terms "petitioner" and "respondent" to refer to parties consistently throughout the statute. This change makes it easier for litigants to follow and understand and to more easily use OJD's statewide forms. The change also makes the party designations in this type of case consistent with those in other protection orders (such as the Family Abuse Prevention Act, Elderly Persons and Persons with Disabilities Abuse Prevention Act, and Sexual Abuse Protection Orders).

Section 2 makes minor process changes to ORS 163A.150, which is part of a statutory scheme that permits sex offenders to seek relief from statutory reporting obligations. Some of the changes are intended to reflect court processing practices -- such as filing a "petition" to initiate a new court proceeding, as opposed to filing a "motion" in an existing proceeding. Others are intended to facilitate the process for filers, including when they complete and submit OJD's statewide forms -- such as requiring a declaration under penalty of perjury to accompany a petition, instead of an affidavit that must be notarized.

Section 3 of SB 298 amends ORS 33.460, which governs applications for legal change of sex. With House Bill 2673 (2017), the Legislature enacted extensive changes to the statutory scheme governing both legal change of sex and legal name change. That legislation amended ORS 33.460 so that that an application for change of sex may be heard and determined by any circuit court in Oregon; it also continued to provide that application for name change and change of sex may be decided in the same proceeding, but it did not clarify that a combined request -- that is, one including both a legal name change and a change of sex -- could be determined by

any circuit court in Oregon. The proposed change would clarify that a person seeking both a change of sex and change of name in one proceeding may do so in any circuit court in Oregon.

Section 4 of SB 298 amends ORS 18.042, which sets out the requirements for a judgment in a civil action that includes a money award but affects only family law cases. Section 4 would require that the money award section of a judgment for child support state whether the judgment requires payment through the Oregon Department of Justice (DOJ) under Title IV-D of the federal Social Security Act. We envision this would be a simple box-checking process in that judgment section, as is now done to indicate whether the award addresses child support at all. OJD is collaborating with DOJ's Division of Child Support to seek federal reimbursement for certain functions performed by court staff related to child support. This change would help facilitate our identification of reimbursable work.

Section 5 amends ORS 107.174, which governs modification of parenting time orders, to remove the requirement that a stipulation for modification be notarized. Instead, a stipulation would be accompanied by a declaration. Again, eliminating the notary requirement facilitates the process for parties -- who, in this instance, are filing a document that represents a mutual agreement. Additionally, declarations signed by the parties -- unlike notarized affidavits -- can be submitted by self-represented litigants through the Oregon Judicial Department's interactive electronic forms system.

Section 6 sets out the effective date as the 91st day after adjournment sine die.

Thank you for considering Senate Bill 298 and my remarks. I would be happy to answer any questions.