



**Testimony in Support of HB 5512  
Joint Committee on Ways and Means Subcommittee on Public Safety  
March 9, 2023**

Co-Chairs Sollman and Evans, 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 provide this testimony in support of House Bill 5512 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 seventeen 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. And for the last decade, Oregon saw between 24 to 60 Domestic Violence-related deaths each year.

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 were always made available.

The impacts of both domestic violence and the pandemic have disproportionately affected communities of color and other historically marginalized communities. In 2022, the Chief Justice issued a CJO establishing the OJD Equity Framework that will work to address those disparate impacts within the Court system.

#### 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 and Trainings:

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.

I co-chair the SFLAC Domestic Violence Subcommittee and sit on the SFLAC Education Subcommittee, which is responsible for the (OJD-funded) bi-annual SFLAC Family Law

Conference. This conference trains not only lawyers, but Judges, mediators, family court facilitators, custody evaluators and more. In both 2017 and 2019, I co-presented on domestic violence-related topics, including the use of technology and social media within DV-dynamics, and the implementation of the important firearms protections for DV survivors, such as 2019's incredibly important HB 2013. This year's conference will also provide important presentation including information regarding domestic and family violence and keeping children safe.

I also appreciate the opportunity I was given, at OJD's request, to train the Release Assistance Officers (RAOs) hired pursuant to 2021's SB 48. As you may know, RAOs serve a critical role in helping to protect crime victims by assessing the risk a particular defendant may pose if released pretrial. They do so, in part, by reaching out to the crime survivors to gather their position and then include that information in a report to the court. Given this important role, I was pleased to co-present to RAOs on two occasions- once on "Understanding Domestic Violence: Dynamics, Barriers and Impacts" and a second time on "Engaging with Victims: Understanding the Impact of High Stress and Trauma." Given the important roles of these RAOs, OLC support's OJD's policy option packages which include an increase in the RAOs and a risk assessment tool which will be invaluable in protecting survivors of domestic violence.

These are just a few instances in which OJD's work with multi-disciplinary stakeholders and training of judges, court staff, and legal professionals such as RAOs, has prioritized access to justice as well as safety for survivors of violence. 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.

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 will improve many aspects of the system for the most vulnerable litigants. For these reasons, we ask that you support HB 5512 and request an Aye vote.

Thank you for your time and the opportunity to testify.