



# Oregon Judicial Department

## Status Report 2013-2014 National Consortium on Racial and Ethnic Fairness in the Courts

### ACCESS TO JUSTICE FOR ALL COMMITTEE

The Oregon Judicial Department (OJD) has produced five reports that describe barriers to access, recommend changes, and highlight progress. All reports are available online at <http://www.ojd.state.or.us/access>.

- 1994 Report of the Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System
- 1996 A Commitment to Fairness: Progress Report of the Oregon Supreme Court Implementation Committee
- 1998 Report of the Oregon Supreme Court/Oregon State Bar Task Force on Gender Fairness
- 2002 Gender Fairness 2002: Implementation Status Report of the Oregon Judicial Department Access to Justice for All Committee
- 2006 Report of the Task Force on Access to State Courts for Persons with Disabilities

Due to budget reductions, the Court Programs and Services Division of the OJD was dissolved in 2009. As a result, a number of general-funded staff positions were eliminated including counsel and analyst positions for statewide coordination, analysis and support of family law, juvenile law, juvenile delinquency, domestic relations, probate, traffic and civil law, ADR and mediations programs, strategic planning and performance measures, treatment courts, ADA and access initiatives, and OJD committee and staff administrative support. The Access to Justice for All Committee has been on hiatus due to the budget reductions. Despite these reductions, the OJD has continued to make progress on efforts to improve access to state courts.

### RECENT ACCOMPLISHMENTS

#### OREGON eCOURT

*Oregon eCourt will give courts and judges the tools they need to provide just, prompt, and safe resolution of civil disputes; to improve public safety and the quality of life in our communities; and to improve the lives of children and families in crisis.*

Better Access ♦ Better Information ♦ Better Outcomes

OJD's primary effort since 2009 has been to implement "Oregon eCourt," a statewide web-based courthouse. Oregon eCourt provides the public and our governmental partners 24-hour access to court information and services. Oregon eCourt increases access to the courts, improves court

efficiency, and ensures that judges have complete and timely information with which to make decisions. Oregon eCourt went live in the Yamhill County Circuit Court on Monday, June 4, 2012. Today, 11 circuit courts have successfully implemented Oregon eCourt, and the remainder of the circuit courts will implement in waves between now and June 2016.

As part of Oregon eCourt, we are working on providing ‘intelligent forms’ in family law cases – legal forms similar to TurboTax or similar programs. Through a collaborative project in Multnomah County, victims of domestic violence can use Turbo Court forms to prepare the paperwork necessary to get a Family Abuse Protection Act restraining order against an abusive spouse or partner. We are working to make those forms available statewide and to make another set of frequently used family law forms available in the Turbo Court/interactive format within a year. This will make getting into family court easier for people who can’t afford a lawyer.

### **COURT INTERPRETER SERVICES (CIS)**

Oregon’s statewide CIS program schedules interpreter services for circuit courts in all 36 Oregon counties. Nearly 15 out of 100 Oregonians need language assistance to conduct their business, protect their families, or meet their accusers at court. In 2013, CIS received “The Counter Encounter” \$50,000 State Justice Institute Technical Assistance grant, and a \$15,000 National Center for State Courts Technical Assistance grant. Results of the grants will be:

- A dialogue with and a poll of limited English proficient (LEP) communities regarding their experiences and satisfaction with language access services in Oregon Circuit courts, and
- Activities at two pilot courts to remove access to justice barriers for LEP populations.
- Improved LEP and self-represented litigants’ access to written and online OJD resources via translations and the use of technology.

The 2013 Oregon Legislature approved OJD’s request for funding to increase the hourly rate for contract certified interpreters. The hourly rate was increased to \$40 from \$32.50 per hour, which was established fifteen years ago. Hardworking and dedicated professional interpreters were instrumental in the effort and provided key testimony at legislative hearings. Paying the market rate helps the OJD compete with Federal courts, private attorneys, and other states to meet the growing demand for interpreters in all business and education sectors.

### **IMPROVING STATE COURT COMPLIANCE WITH THE INDIAN CHILD WELFARE ACT (ICWA)**

The OJD’s federally funded Juvenile Court Improvement Program (JCIP) has several efforts to improve how our state courts handle ICWA cases:

- JCIP staff works with tribal representatives to plan State Court/Tribal Court visits, so Oregon judges, court administrators, and Citizen Review Board staff and volunteers have the opportunity to tour Oregon’s Tribes. During these day-long events tribal leaders explained tribal history, code, jurisdiction and governance. Participants learn about tribal culture, services, and the tribal court.
- JCIP staff worked with tribes to present a workshop on “Culturally Appropriate Services: A Tribal Perspective” at the Juvenile Court Programs’ Citizen Review Board (CRB) conference in

May 2014. Representatives from Warm Springs, Grand Ronde, the Native American Youth Association and a DHS ICWA consultant presented their perspectives.

- JCIP staff are working with Oregon Tribes, the Department of Human Services (DHS), Casey Family Programs, and the Minneapolis Indian Center to implement the QUICWA Compliance Collaborative Project In Oregon. This project involves recruiting and training volunteer court observers who fill out the QUICWA checklist. Data is then entered into a database and can be analyzed and reported to trial court judges and local court improvement teams so they can monitor and assess how well they are meeting the requirements of the ICWA.
- Oregon judges requested regional multi-disciplinary trainings on the ICWA. JCIP staff worked with tribes in the region to develop these educational programs. Programs usually include a tribal cultural component along with the history and requirements of the ICWA.

### **Educational Programs**

These are some of the programs that were offered to judges, administrators, court staff, agency partners and citizen volunteers:

OJD judges and staff participated in the 2012 Governor’s Summit on Reducing Disproportionate Minority Contact in the Juvenile Justice System. The theme of the summit was: “Taking action for justice and fairness through commitment, collaboration, data and accountability.” Oregon judges and staff worked with other community stakeholders to develop strategies and goals to increase the use of the Crossover Youth Practice Model in local communities. Today, five Oregon counties are implementing strategies from the Crossover Youth Practice Model.

The OJD Citizen Review Board 2014 Annual Training Conference included a session on Working with Interpreters and understanding the role of the interpreter in CRB proceedings. The session also included practice tips for conducting reviews when an interpreter is present. Another session featured the 25-minute video Knowing Who You Are that is just one component of the 2-day training curriculum developed by Casey Family Programs. In the video, 23 individuals (youth in care, alumni, child welfare professionals, birth families, and resource families) share their perspectives about why race and ethnicity matter and the importance of helping youth in out-of-home care develop a healthy sense of racial and ethnic identity. Following the video, there were structured, small group discussions and an opportunity to develop questions that a CRB might ask during the review to identify how DHS is incorporating this work in their day to day casework practices.

Since 2007, Oregon courts have partnered with the Department of Human Services and Casey Family Programs to safely and equitably reduce the number of children in foster care and improve the lives of the children who remain in care. JCIP has provided judges and stakeholders with educational programs and training to not only understand the disproportionate and disparate treatment for children and families of color involved in the child welfare system, but to also identify and implement strategies that are designed to safely and equitably reduce the number of children in foster care.