

Gilliam County Court
Listening Session
5/1/19

Gilliam County Court
Listening Session: Juvenile Court Operations
Gilliam County Courthouse, Condon, Oregon, 5 p.m.

The second of two Listening Sessions was held at the Gilliam County Courthouse in Condon, Oregon. Present were Judge Elizabeth Farrar, Commissioner Leslie Wetherell, Commissioner Sherrie Wilkins, Court Administrator Sandy McKay, Recorder Mary Dyer, and Gilliam County Juvenile Program Director Amy Nation.

Also present were Circuit Court Judge Janet Stauffer, Circuit Court Administrator Angie Tennison, and Jury Coordinator Marybeth Jaeger.

Judge Farrar explained that the purpose of the Listening Session was to continue to receive feedback from the public regarding the possibility of transferring juvenile court jurisdiction to circuit court.

Juvenile Court Director Amy Nation provided an overview of juvenile court operations (“Juvenile Court 101”), which included information on delinquency cases and dependency cases, and how each type is handled.

Nation also explained that circuit court covers the cost of attorneys and translator’s fees for cases under their jurisdiction, while the Gilliam County Juvenile Department pays for conference calls and training for the County Judge. Transferring jurisdiction to circuit court could save Gilliam County an estimated \$33,000 in budgeted funds.

Judge Farrar asked Circuit Court Presiding Judge Janet Stauffer, Circuit Court Administrator Angie Tennison, and Jury Coordinator Marybeth Jaeger to introduce themselves. Judge Stauffer noted there are four judges in the district, which means that a judge is usually available to travel to Condon when needed.

Judge Farrar asked Commissioner Wetherell to restate questions that she presented at the listening session in Arlington. Commissioner Wetherell said constituents have expressed the following concerns:

Concern that agreements between the County and other entities often start strong but wane in time. Judge Stauffer noted that if the County chooses to transfer jurisdiction,

Oregon law requires a circuit court judge to take the cases, and that judges prefer in-person hearings whenever possible. She said shelter cases take priority over almost anything on the docket.

Regarding concerns about the workload, Judge Stauffer responded that schedules are flexible and Gilliam County cases will fit into the current workload. Angie Tennison said that thus far, circuit court has been able to handle Gilliam County cases comfortably.

It was also noted that Gilliam, Wheeler, and Sherman are the only counties that have maintained jurisdiction over their juvenile court programs. Darla Seale pointed out that once jurisdiction is transferred, the decision is permanent and can't be reversed. Judge Stauffer confirmed that is correct, and Judge Farrar said county legal counsel has provided confirmation as well.

Regarding concerns that the same judge will handle dependency and delinquency cases, Judge Stauffer said that "one judge, one family" is the goal, although conflicts may arise.

Regarding concerns about a loss of local control, Judge Stauffer said the juvenile director will continue to be involved if jurisdiction is transferred, as well as entities such as CASA and DHS. She commented that judges try to remain neutral, which may be a benefit in small counties. Tennison noted that the process for Formal Accountability agreements would continue to be locally determined.

At this point, Judge Farrar invited questions and comments for the circuit court representatives.

Les Ruark, Rock Creek, expressed concerns about the statutory lock-in once jurisdiction is transferred and asked if the Court would consider going before the Legislature to have the law amended. He commented that he initially had reservations about transfer of the program, but he thinks it's worth a try and the Court should move forward. Ruark urged the Court that if the juvenile court is turned over to Circuit Court to consider forming a local committee that would work with circuit court judges to ensure the program transfer is working, and reiterated that the County Court should pursue an amendment of the state statute so the County will have the ability to reassume jurisdiction if the transfer to circuit court doesn't work as expected. Judge Stauffer commented that Wasco County has a committee that meets quarterly with community partners such as DHS, CASA, district attorneys, and defense attorneys to discuss juvenile court issues (but not specifics). Ruark commented that video conferencing is an important element that needs to be much more successful than it has been in the past.

Judge Farrar pointed out that video conferencing is sometimes used in emergency hearings, but once cases are on the docket, judges are usually present. Amy Nation commented that the judges make an effort to be here in person.

Jan Moffit, Condon, stated she was juvenile director in Wheeler County for ten years and Gilliam County for ten years. She said the program worked well, and asked why a transfer is being proposed. Judge Farrar said she believes that a person with a law degree should make decisions involving Gilliam County youth.

Kelly Smith, Condon, asked about formal training, and Judge Farrar responded that the only required training is a two-week session in Reno. There are no other educational requirements. Jan Moffit said she worked closely with the district attorneys who provided guidance.

Kathryn Greiner, Condon, asked about potential legal issues -- who reviews orders written by the juvenile director, and if the County might be liable. Judge Farrar and Amy Nation confirmed that the county judge reviews and signs the court orders. Greiner also asked if the County could continue to sign cases over to circuit court, possibly for a one-year period, and if so, how financing would work. She also asked if a judge could be called in from another region if all four judges are tied up or unavailable. Judge Stauffer said judges who are retired or from another area are on reserve when necessary.

Darla Seale said her sister was CASA Director for Union County, and that the judges depended heavily on the CASA Board of Directors. She asked why a law degree is needed when so many people are available who understand the best interests of the child.

Judge Farrar invited general questions or comments from the audience.

Jan Moffit said it takes the whole community to raise a child. She also expressed concern about potential delays that aren't in the best interest of the child. Judge Farrar suggested the same concerns might occur if the County retains jurisdiction, and notes that's it's usually not the judge that has a conflict.

Former Gilliam County Judge Pat Shaw read a prepared statement. She said she feels strongly that the program should be retained within the county, and that when she filed for the office of County Judge, she knew that the title of “judge” was affixed to the position. She said she believes youth are our most valuable resource, and that it’s in the best interest of the community if juvenile department cases are heard by a judge located in the county and served by people who know, love and support each one of them and their families. Judge Shaw said District Attorney Marion Weatherford always prepared her in terms of legal process to be followed, and if she erred the attorneys would gently correct her. She said she took advantage of every training opportunity. Judge Shaw said that serving as judge of the juvenile department was the most rewarding part of her six years as Gilliam County Judge, and pointed out that all the former Gilliam County Judges are adamantly opposed to releasing control. She said, “This is one of the most important decisions you will make,” and asked the Court to give the matter deep thought and possibly hold further hearings. She noted that people voted for the position of judge to include the position of juvenile judge and urged that any changes should be made during an election cycle, so citizens will know they are voting on relinquishing their juvenile jurisdiction and the position and title of Judge.

Former Gilliam County Judge Steve Shaffer expressed surprise that none of the attorneys have provided input. He commented that “the number one thing is our kids.” He doesn’t believe a law degree is required and if there are questions, people work together to create a solution. He said, “We have the background and skills, and we know right and wrong for our families and our kids.” He said it is a huge mistake to give up jurisdiction, which isn’t reversible, and that going before the legislature to change the statute is a poor decision. He also pointed out that although \$33,000 is budgeted, that amount isn’t necessarily spent.

(Commissioner Wilkins left the meeting at approximately 6 p.m. due to a family issue.)

Judge Farrar stated for the record that Amy Nation has reached out to the attorneys. Nation said three attorneys responded, and all felt that due to the complexity and seriousness of cases, jurisdiction should be transferred to circuit court. However, one attorney said he would like to see delinquencies remain in the county. Judge Shaffer responded that he spoke to attorneys and heard a different response -- that cases were handled locally in the best interest of kids and their families.

Larry Snyder, Condon, agreed with Judge Shaw’s comments and expressed concern about the continual loss of local control. He commented that “None of this was in the election campaign,” and said, “You had an agenda before the election ever happened.”

He advised against losing “that local touch” and said the matter should wait until the next election.

Kelly Smith said her child has been before the juvenile court as part of a delinquency proceeding and later as a victim. She said Judge Shaffer offered a personal touch and connection, and that video conferencing was impersonal and not as effective. She commented that dependency cases are very serious and require more legal knowledge, but that youth and their families still have local support from the juvenile department, CASA volunteers, etc. Smith agreed with Kathryn Greiner’s suggestion to continue signing cases over for a time to make sure transferring jurisdiction works in the long run. She said it’s frightening that the decision can’t be reversed, and urged the Court not to take the decision lightly.

Candy Humphries, CASA Director for Gilliam and Wheeler Counties, said her view hasn’t changed since the Listening Session in Arlington. She said, “the neighborhood” is in the best interest of the child, and that this is an important decision that affects future courts and should be taken very seriously.

Rene Durfey, Condon, commented that if jurisdiction is transferred to circuit court, the judges will also care for the youth and will make the right decisions, and that CASA, DHS, and the juvenile director will continue to be involved. She said she wants our youth to “have the best,” and also expressed concern that lawsuits are possible when the Judge lacks legal training.

Darla Seale suggested that the Court should ask Morrow County why they decided to transfer, and why they regret that decision. Angie Tennison said she previously worked for Morrow County, and that additional dynamics and external matters were involved in the decision, which wasn’t unanimous. Judge Shaw urged the Court to contact Harney County who has also made this change in recent years, and agreed that Morrow County’s issues were different.

District Attorney Marion Weatherford commented that Judges Shaw and Shaffer handled cases carefully, and agreed that a local influence is important. He said he remains neutral, and also pointed out that the juvenile director does 95 percent of the work. However, he commented on the pride and happiness in the community when youth overcome their difficulties and obstacles, but said that would continue if cases are handled by the county or by Circuit Court. Weatherford commented that except for decisions by the judge, everything else is local.

At this point, there were no further comments. Judge Farrar said the matter would be discussed at regular Court meetings.

Judge Farrar adjourned the listening session at 6:30 p.m.

GILLIAM COUNTY COURT

By _____

Elizabeth Farrar, Judge

By _____

Leslie Wetherell, Commissioner

By _____

Sherrie Wilkins, Commissioner

Mary H. Dyer/Recorder _____