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**Internal and External Barriers to the Implementation  
of an Integrated Family Court :**

**A Look at Family Courts that Work**

Institute for Court Management  
Court Executive Development Program  
Phase III Project  
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## I. Executive Summary

The notion of combining domestic relations matters with those other case types that directly affect the “family” was first conceived more than eighty years ago. It was not until the 1960’s that states began active attempts to form statewide family courts. Today, the virtues of unifying or integrating family court matters are extolled by individuals and jurisdictions across the country. Although the theory is well founded and even intuitive for some, many jurisdictions have yet to merge their domestic relations matters (dissolution, paternity, custody, visitation etc.) with juvenile (dependency, delinquency, adoption, abuse and neglect), probate (guardianship of minors), mental health, and criminal (misdemeanor, felony and domestic violence). If there are clear benefits to combining certain related case types, could it be that there are obstacles that prevent unification of family court matters? This study examines the internal and external barriers to the successful implementation of family court programs.

A survey instrument was designed with a focus on determining whether there are essential elements that would be instrumental to the creation of a replicable model for successful unification/integration.

Through an in-depth review of current literature, fifteen different court sites were identified based on having accomplished some degree of success in their unification projects. Key administrative and judicial staff were asked to respond to a three-page questionnaire which, after developing individual and jurisdictional profiles asks that the

respondents highlight elements of success determined in their own jurisdiction and identify those characteristics thought important to the development of a successful program in any jurisdiction.

Data was collected from twenty-seven respondents reporting from fourteen different courts in various parts of the country (Ann Arundle County, Maryland; Atlanta, Georgia; Baltimore, Maryland; District of Columbia; Hawaii; King County, Washington; Markham, Illinois; Michigan; Patterson, New Jersey; Puerto Rico; San Jose, California; St. Paul, Minnesota; Trenton, New Jersey and Upper Marlboro, Maryland). Questionnaire responses were received from presiding judges, family court judges, court administrators, family court specialists, and program managers.

Generally, results from the study were insightful but there were some findings that could have been anticipated. Although not a stated hypothesis of this research, it was predicted that the interpersonal relationships among those responsible for the management of the family are important. All twenty-seven respondents ranked this as important to achieving successful unification or integration.

When asked to list achievements of their own jurisdiction's unified family court, the factors listed by those surveyed match the advantages usually stated in any argument for a unified model. These factors (improving overall services to children and families, partnering with social service providers and improving caseflow in family court cases) are often espoused as benefits or results of unification. The one success factor that seems

to remain fleeting for some of the jurisdictions surveyed is the implementation of an integrated information system. The apparent hurdle of maximizing automated information flow is by far the most difficult for some courts. The Pilot Workgroup in Maricopa County has also found the integration of information systems and information sharing to be a major obstacle. It is good to learn that although this has negatively impacted some progress in other jurisdictions, there are methods to work around and through this limitation to achieve success.

Study findings include some central themes that if considered could lead to improved planning, design, and management of unification or integration of family court matters in nearly any jurisdiction. The stated benefits must be weighed against possible initial increased costs and redirected resources. If the ultimate goal of unification is improved caseload management and the improvement of services to children and families, lessons learned from these fourteen courts will prove beneficial to others.



II. Abstract

In reviewing the elements necessary for the successful creation of a family court in Maricopa County, Phoenix Arizona, several questions arise as to what might be considered the key elements. For example, are there identifiable factors that might be essential to any formulation of a unified family court, no matter the jurisdiction? Once identified as integral for the general development could these then be replicated and could this model be reproduced and used by others?

This research project and report centers on the results of a survey instrument that was created and conducted, focusing on those jurisdictions that have attempted and to some degree have been successful in combining their family court matters. Survey questions attempted first to develop a background or profile of the individual respondents and then additional questions were drafted to create a profile of the various jurisdictions. Individual characteristics identified as important for the study included: the position held by the party; length of service in their current position and; the type of court organization in which the person worked. Survey questions were drafted to learn more of the jurisdictional characteristics addressed the number of judicial officers representing the court; the method of judicial appointment and assignment; length of judicial term; population within the jurisdiction and the approximate number of cases filed annually in the local family court.

Comments were also sought on how the local family court was established and under what authority (e.g. statute, local rule etc.). Additional survey questions requested information on the type of matters heard and a general description of the respondent's family court.

Finally, the concluding questions in the survey instrument focused on interpersonal and positional relationships and how these may have played a part in the success or failure of the unification of family court activities. Respondents were given an extensive list of elements identified in literature as key to the successful implementation of a successful family court. They were then asked to choose any number of these factors, or list additional characteristics they felt were vital to this success. Team management and positive working relationships among court leaders proved to be a very important factor in the viability and success of many family courts. Several free written responses to these questions extolled the benefits of this partnership in the establishment and management of the local family court.

This study reviews current literature on the topic of family court unification and best practices in the design and implementation of these calendar and workload changes. The on-going planning and integration of juvenile and domestic relations matters in the Superior Court in Maricopa County is a framework for the study. Conclusions and recommendations were drawn from the survey results and shared with the local Family Court Task Force members. Although only a relatively small number of the responses espoused the virtues of starting integration with a pilot project, the decision was made to

start the local program in this manner. Historically, the Superior Court in Maricopa County has found worth in this type of program start.

Results from the study permit some general extrapolation. Family courts are established in many different ways and assume or develop diverse characteristics. This diversity can be explained, in part by the establishing authority but there are other equally important factors to the successful transition and continued improvement of an integration of family court.

The results of this survey provide insight on how to better establish a unified family court. The importance of role definition, and the working relationship between key court figures in administrative and judicial positions becomes obvious.

There are factors that have a high positive correlation to the achievement of success and these include: judicial leadership, definition of role and responsibility, developed partnerships with private sector entities and integration of information systems. The study examines the survey findings and concludes with four recommendations and suggestions for continued exploration of the internal and external barriers to the unification/integration process.

Recommendations include: (1) improved clarity of role and responsibility in the design, implementation and management of a unified/integrated family court; (2) fostering relationships with all identified stakeholders; (3) finding a key judicial figure to

lead the process; and (4) proceeding through reasoned and steady planning and implementation.

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### III. Introduction

The task of creating an integrated family court at the Superior Court in Maricopa County first began as a statewide effort. The Chief Justice of the Arizona Supreme Court in 1997 established as an important agenda item for his five-year term, the improvement of services to children and families (Appendix C). A statewide group consisting of court administrators and judges set forth to examine whether combining juvenile and domestic relations functions was even practicable. It was not long after these meetings began that it became obvious the chasm between urban and rural jurisdiction representatives from around the State was a major hurdle to any unification plan. Nearly 60 percent of the entire state population resides in the largest county (Maricopa) and outside the boundaries of the two most populous counties, Maricopa and Pima, there are typically only four or five superior court judges that sit and hear cases of all types. Thirteen of the fifteen total number of counties in the state have one judge assigned to juvenile and one to domestic relations and therefore these jurisdictions argue that they have an established family court. They see no benefit to formal unification.

The results of the statewide committee were ultimately to restructure the group and conduct additional examinations based on (1) needs assessment and (2) structure analysis. Finally, in early 1999 the group disbanded. Still seeing benefit to combining resources of the juvenile and domestic relations departments, the Superior Court of Arizona in Maricopa County requested and was given authority to form a task force to continue reviewing whether unification might bring benefits on a county level.

In Maricopa County there are a total of 34 judges and commissioners assigned to the domestic relations and juvenile courts. The two separate departments share little in the way of information exchange and communication and these judicial officers their staff and department administrators are housed in four separate facilities. Judicial rotation lends some benefit in that at some point these judicial officers may be trained in both departments as well as in *criminal and civil matters*.

The presiding judge of the court has convened a group of key judges and administrators and directed that they pursue the “...examination in a family court” in Maricopa County (Appendix B). The benefits being sought through combining efforts are the; a) integration of technology platforms, b) sharing information through improved communication, c) education of judges and commissioners, d) system reengineering; and e) centralized case management.

This report will now turn to a review of current literature on the topic of unification in which materials will be reviewed and considered. The survey instrument and methodology used will be explained and there will be an analysis of survey results. Following the methodology section, significant findings will be discussed and conclusions presented. The conclusion of this report contains end materials such as references cited and those thought to be of interest to someone researching this topic.

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#### IV. Review of Relevant Literature

##### History and Background of the Family Court

*“A system of courts devised to deal with the typical single issue required by the system of formulating an issue in pleadings, reducing the controversy by a series of successive formal statements to a fact asserted by the one and denied by the other, is not adequate to the troubles of a family in the complex society and manifold, diversified, and complicated activities of today....In a unified judicial system the family court will involve simplification and so reduce the cost of public administration of justice in comparison with the expense of unsystematic multiplication of independent specialized judicial or administrative agencies, each organized to be complete in itself and in potential conflict with like tribunals or agencies and so raising questions of jurisdiction, at the expense of the real purpose.”*

Roscoe Pound (1959)

The complex society Pound spoke of was one of more than forty years ago. The overall simplification of the trial court system prompted the creation of specialized courts to deal specifically with the important issues facing children and families. This idea of reducing redundancy and of simplifying the legal process for the benefit of families helped to fashion the first juvenile court in Chicago, Illinois (1899) and the first distinctive family court in Cincinnati, Ohio fifteen years later. Although forged in logic and necessity, the theory did not command an immediate ground-swell of support nationwide but some progress was being forged. In the same year Pound drafted his article, The Place of the Family Court in the Judicial System, there was some collaboration that helped produce direction for those courts that wished to design a local family court. The Standard Family Court Act set forth as its' general purpose the general protection and safeguarding of the family unit. This protection of the family was to be

accomplished through the resolution of justiciable problems and conflicts arising from interpersonal relationships, in a single court, with specially qualified staff under leadership of one or more specially qualified judges (National Probation and Parole Association, Standard Family Court Act 106). Grass root support for the separation and focus of these important issues kept local movements alive and following the publication of the Standard Family Court Act, several states attempted statewide creation of a family court. The first, Rhode Island began its family court in 1961, followed closely by New York (1962) and Hawaii (1965). These early starts were joined by statewide movements in Connecticut, Delaware, South Carolina, New Jersey and Vermont (Rubin and Flango 63-64). Widespread national endorsement was not apparent until there was active involvement by the National Council of Juvenile and Family Court Judges (Family Court Symposium) and the American Bar Association (Recommendations and Report). Outside the United States, there have been proposals for unification of family court matters in Canada and New Zealand (Page 5).

There is a growing body of literature written on the topic of family court unification. Much of this material has been written in the past 15 years as jurisdictions experimented with better methods to provide services court-wide, but especially in the area of children and family related issues. As of this writing, there are less than a dozen jurisdictions across the country that have separate family courts which hear family law matters for the entire jurisdiction. Only half of those jurisdictions have what could be considered a totally distinct family court within the state. The largest single majority of the 50 states do not make a distinction as to how family and children matters are handled.

## Defining the Family Court

One key issue working in opposition to the re-formulation of current systems is that of definition. The term “family court” has no agreed upon definition. This difference in opinion may even be a stumbling block within a particular jurisdiction. Some courts accept the moniker without affecting any change in the separation of duties and responsibilities while others may have some consolidation and continue to refer to themselves as separate and distinct entities. Whether a family court is unified, or to what degree unification or consolidation has been reached is a matter of interpretation. Unification as an expression of degree is best described by relating a institutions’ principles of judicial involvement, organization and case flow and support for matters relating to the family’s needs. A list of benchmark principles that may help define the level of unification might include whether:

- (1) there is one separate court designated for matters of the family (divorce, custody, visitation and access, support, adoption, dependency, and delinquency)
- (2) there is one judge or a team of judicial officers responsible for all the legal proceedings that involve the family
- (3) there is a standard definition of “family” that incorporates all parties related by blood and extended involvement
- (4) there a single point of social service resource referral and involvement that is committed to respond to the “family’s needs at least until judicial involvement terminates

- (5) there are dedicated intake services that have early intervention in the case and assist the family to navigate through the often times complex maze of the court system
- (6) there are dedicated facilities, either separate buildings or dedicated areas of the court complex
- (7) there are identified and dedicated support services whose role is to address the needs of children and families, whenever appropriate
- (8) there are meaningful established time lines for the flow of family court cases, including aggressive time standards whenever custody and dependency are in question
- (9) there is an integration of information systems that ensures total coordination of all pending and closed matters related to the family
- (10) there is sufficient training and education for judges, attorneys and non-judicial staff that support the program

The above list is a composite drawn from criteria that were originally established by Katz and Kuhn in 1991 and the ABA in 1994 (Burhans 1-2). Standards presented by those authorities were adopted by legal, judicial and mental health professionals attending the New York Colloquium for the Second World Congress on Family Law and the Rights of Children and Youth (September 12, 1996). One additional benchmark principle was the addition of an advisory council whose function would be the representation of the community directly served by the particular family court.

A recent law review article, (Babb 486) outlines several questions that help to understand the goals and direction of a state as to family law decision making. The way a jurisdiction answers these might give some insight to the extent by which the court has reached unification.

- (1.) Does the court with subject matter jurisdiction over family law cases have comprehensive jurisdiction to hear a broad range of family legal issues, or is the subject matter jurisdiction limited to certain types of family law cases?
- (2.) How long do judges sit on the family law dockets and thereby have the potential to develop a degree of specialization in family law decision making?
- (3.) Are cases assigned in a manner that allows one judge to hear a family law case from beginning to end, or do the litigants appear before several judges for determination of the same or related legal issues, such that all the judges may lack familiarity with the litigants and their family legal matters?

Absent from this list, one could also ask an additional question to determine the level of unification a jurisdiction has reached. That question should center on the extent by which resources have been committed towards assuring that issues concerning children and families are addressed. The definition of resources would include information technology, personnel and the means to improve family court caseload

management. These are all necessary to improve services and should be a measure of the jurisdiction's commitment.

According to research conducted by the Association of Family and Conciliation Courts, the principles of the unified family court are to not only provide the family with legal services but to also include support services such as educational programs, counseling, mediation and custody evaluations (Burhans 5). These support services are important to families experiencing immediate legal needs and any underlying issues. One state defines family court as, "one court which has jurisdiction over all domestic matters, including but not limited to, dissolution of marriage, marital maintenance, child custody, child support, visitation, adoption, paternity, abuse, dependency and neglect, delinquency, truancy and other cases regarding children and families" (Office of State Court Administrator, Colorado 1).

Some state and local family courts add confusion to the definition of "family court" when they use the title to describe their own court but certain criteria are not addressed to meet jurisdictional and functional standards. The true family court, as a minimum must be empowered and staffed to handle all family problems of a justifiable nature.

#### Why the Need for Unification?

The traditional method of separating cases has led to numerous problems when applied to family law issues. There are conflicting jurisdictional concerns coupled with

unpredictable decision-making which causes a waste of time for litigants, judicial officers and the administration of justice. According to an ABA study (Presidential Working Group 54), in virtually all cases and in virtually all communities, the myriad courts and social service agencies do not communicate adequately with each other. This results in unnecessary delay, duplication and contradicting rulings and recommendations. The findings further state that the same family may have to appear in a family court, a juvenile court and a probate court, all of which are located in different parts of the community. The system wastes money and does not serve children well.

Using 1994 statistics, the American Bar Association outlined the need to act quickly and responsively to address what is described as, “ the largest and fastest growing segment of state civil court caseloads.” In that year there were 4.7million domestic relations cases filed in state courts. This number was one-fourth of all civil filings. Added to this figure which includes divorce, support/custody, domestic violence, paternity, Uniform Reciprocal Enforcement of Support Act (URESA), adoption and miscellaneous matters is another 1.9 million juvenile (delinquency, truancy and abuse/neglect) cases. [ABA, An Agenda of Justice, ABA Perspective on Criminal and Civil Justice Issues 5 (1996) – (citing Ostrom & Kauder, National Center for State Courts, Examining the Work of State Courts, 1994: A National Perspective from the Court Statistics Project, 12 (1996).]

There is much public dissatisfaction with the court management of family court matters. This dissatisfaction stems in large part from the use of the adversarial system to reach and ends without taking into account individual family member needs in these

highly charged and personal cases. It is doubtful that the adversarial system was designed to address matters of family relations. The best means to counteract the negative affects of the adversarial system in these cases is improved judicial management of family cases using alternative dispute resolution principles. These alternatives to the adversarial system more adequately address the needs of parties involved in these actions. Good case management will also address any limited resource issues and enhance coordination and improve communication.

There are various ways to define the need for unification in family court matters. As we have seen, not all jurisdictions define unification the same and not all definitions fit properly in a single jurisdiction. A general working definition should include a court that is specialized and separately administered with jurisdiction over a wide range of family-related cases. There should be a distinct and special capacity for resolving family cases with exclusive jurisdiction and a means to provide a social service delivery system for the treatment of dysfunctional families (ABA, Court Works).

#### Goals and Strategies of Unification

Service provision and delivery are usually not considered the work of the judicial branch of government in a traditional model. In the unified family court however providing social services is necessary to the theory of therapeutic jurisprudence. Traditionally, legal practices are separated between criminal and civil disciplines. Dissolution, spousal abuse and juvenile delinquency are treated differently and often times in different parts of the court (Woo B1).

Flango and Rubin (Judges Journal 11) went further than to ask whether coordination was needed in handling domestic relations cases and asked how much coordination is needed and how best can that coordination level be reached. Their study's findings included the notion that what made coordination of family law cases of such benefit was that many such cases were not resolved through limited intervention but by many trips to the courthouse. Family cases involve many different types of events or interventions including: dissolution of marriage; support, visitation and custody; dependency; and delinquency. Their survey study of three sites led them to generalize that on a national level, an estimated 40 percent of families involved in juvenile issues (child abuse or neglect) are likely to have either prior involvement or a pending domestic relations case (Fango and Rubin, Judges' Journal 15). The highest correlation of multiple events was with the child abuse or neglect cases and dissolution.

Delay, judicial inconsistency, lack of coordination among cases with the same children and families, and lack of coordination among legal and social service resources are all mentioned as limitations on non-unified family courts (Shepard 10-11). Touted as inherent in unification are improved efficiency of caseflow along with high quality of justice, timeliness and cost efficiency. At the national meeting held in 1990, the distinctive nature of family related court proceedings was highlighted. A new definition of the mission of courts in dealing with these highly complex social and legal issues was drafted. Called for was involvement by each branch of government, social and legal services (Kuhn, Family Law Quarterly 68).

There are obvious shortcomings of non-unification. There is no sharing of information, multiplicity of judges, multiple hearings and budgets are incompatible to deal with the growing numbers of cases involving family litigants. As noted, no one system or design can address the needs of all jurisdictions. The unification of family courts is a continuing process as there are refinements and changes to meet the best interests of each family, its individual family members and a changing society.

In a comprehensive and often cited report on family court composition, Judge Robert W. Page of New Jersey outlined six principles of a comprehensive family court. (Page 25-37). These necessary elements were determined to be:

1. select and train experienced judges and staff
2. establish one judge, one staff, one family
3. maintain aggressive case processing and management
4. maximize the use of non-adversarial methods of family dispute resolution
5. provide maximum access to all members of society
6. maximize the use of community services and trained volunteers

Many practitioners and scholars since Judge Page's writing have adopted or incorporated these as guiding principles in later research. In a recent meeting on unification of family courts, those attending an ABA Summit listed as topics for discussion: how to set-up a unified family court system in any given state; how social

services are best delivered through the court system; and how to set-up pro bono projects to work in the courts (ABA, Summit ).

The Trial Court Performance Standards (1990) outline five major areas of court responsibility. The call for court involvement as it relates to improving and enhancing access and services to children and families is apparent in several of the Standards listed under these major areas as displayed below.

*Standard 1.3 Effective Participation* , focuses on how a trial court accommodates all participants in its proceedings

*Standard 1.4 Courtesy, Responsiveness, and Respect*, to make the justice system more accommodating and less intimidating

*Standard 1.5 Affordable Costs of Access*, include the means to achieve this by way of simplification of procedures and reduction of paperwork in uncontested matters, the establishment of appropriate alternative methods of resolving disputes (mediation, arbitration, special settlement conferences and other appropriate ADR methods)

*Standard 2.1 Case Processing*, ancillary and post judgment or post decree matters need to be handled expeditiously to minimize uncertainty and inconvenience

*Standard 2.2 Compliance with Schedules*, protective or social services for abused children, adherence to case-processing time guidelines, and sets guidelines for activities not directly related to case management

*Standard 3.3 Court Decisions and Actions*, litigants receive individual attention without variation due to judge assignment, including amount of child support ordered and court-supervised alternatives to formal litigation

*Standard 3.5 Responsibility for Enforcement*, the court is responsible for enforcing its orders, including alternative dispute resolution

*Standard 4.2 Accountability for Public Resources*, trial courts must use available resources wisely to address multiple and conflicting demands, assignment of judges and allocation of other resources must be responsive to established case processing goals and priorities and must be continuously evaluated

*Standard 4.5 Response to Change*, effective trial courts are responsive to emergent public issues such as child and spousal abuse, child support enforcement and the need to do more with fewer resources

Strategic and long range planning is an important objective feature of any new or innovative program or idea. An examination of what has worked in unification of family

courts should include a review of system structure; program operation; applied technology and the utilization of human resources (Kuhn, UFC Chronicle 6-10). In order to explore the benefits of unification, performance measures must be established. Strategic planning is best done by an organized group of stakeholders that can subjectively respond to an inquiry as to program performance measures. The Circuit Court of Baltimore determined that the addition of new staff increased the scope of services available to litigants and in-house services to judges. Additional benefits of strategic planning in that unified program helped refine the management of the local domestic violence docket; improved the way pro se litigant needs were met increased the coordination with the juvenile division and paternity division and improved methods of measuring success. (Baltimore 6). It is important to think in terms of re-engineering what exists to obtain more output with higher quality from fewer resources.

#### Benefits of Restructuring

The coordination of all family court related matter is often touted as the greatest single advantage of unification. Case coordination however has not always proven to be the panacea for all jurisdictions. Merely bringing together all related cases involving a single family into one setting does not guarantee coordination. Planning and continued monitoring of cases and practices is necessary and required. (Flango and Rubin, NCSC 20).

Measuring success of coordination can help with decision making and the justification as to whether continued efforts should go forward or adjustments made. In

order to properly evaluate coordination efforts, criteria should be established. Following is a list of these criteria:

- (1) Court decision making is of the highest professional quality;
- (2) Courts and human service agencies collaborate to tailor services to the strengths and needs of families and other participants;
- (3) Disputes are resolved without undue hardship or cost;
- (4) Cases are resolved in a timely manner; and
- (5) Litigants are satisfied with the process regardless of the outcome. (Flango and Rubin, NCSC 83)

Although much of the research and practical experience thus far has focused on the advantages of family court unification, there are several often expressed disadvantages or challenges to combining cases that have usually been separated in the court. The below chart expresses these advantages and disadvantages. (Page 15 -23).

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>◇ Effective access for the public in a "user friendly" system</li> <li>◇ An efficient unified case processing and management system with consistent and comprehensive judicial determinators</li> <li>◇ Improved legal and social services</li> <li>◇ Reduction in the emotional damage to all persons involved</li> <li>◇ Empowerment of weaker parties and recognition of the importance of family court judges and staff</li> </ul>	<ul style="list-style-type: none"> <li>◇ Costs of establishing and maintaining the Family Court</li> <li>◇ Inability to diagnose and efficiently deliver services</li> <li>◇ Burn-out of judges and staff who are assigned exclusively to Family Law matters</li> </ul>

\* Juvenile and Family Court Journal 15-23

Several of the listed advantages focus on what has been termed an approach to justice called “holistic” or “therapeutic jurisprudence”. This approach attempts to address the personal and social problems as well as the legal issues involved. The court’s role in areas other than family court do not usually require a high degree of intervention. Therapeutic jurisprudence is defined as the study of the role of law as a therapeutic agent. It looks at the law as a social force that, like it or not, may produce therapeutic or anti-therapeutic consequences. Such consequences may flow from substantive rules, legal procedures, or from the behavior of legal actors (lawyers or judges) (Wexler 8).

The role of judges is therefore quite different that in traditional litigation. The judge is now a “healer” or “participant”. Delay in the processing of family law cases interferes with any therapeutic outcome for children and families. This is especially true in custody, child-support and termination of parental rights cases. Unresolved family problems are apt to escalate. Improvements can be made by focusing on delay reduction in these matters (ABA, Presidential Working Group 56).

Due to the nature of the issues being highly charged and personal, there is a need for hands-on case management. Early intervention and establishing a link with social service agencies is important. Family law case management becomes an ongoing process requiring both the coordination of court personnel and outside agencies and this linkage requires constant monitoring (Trotter and Cooper 224 ).

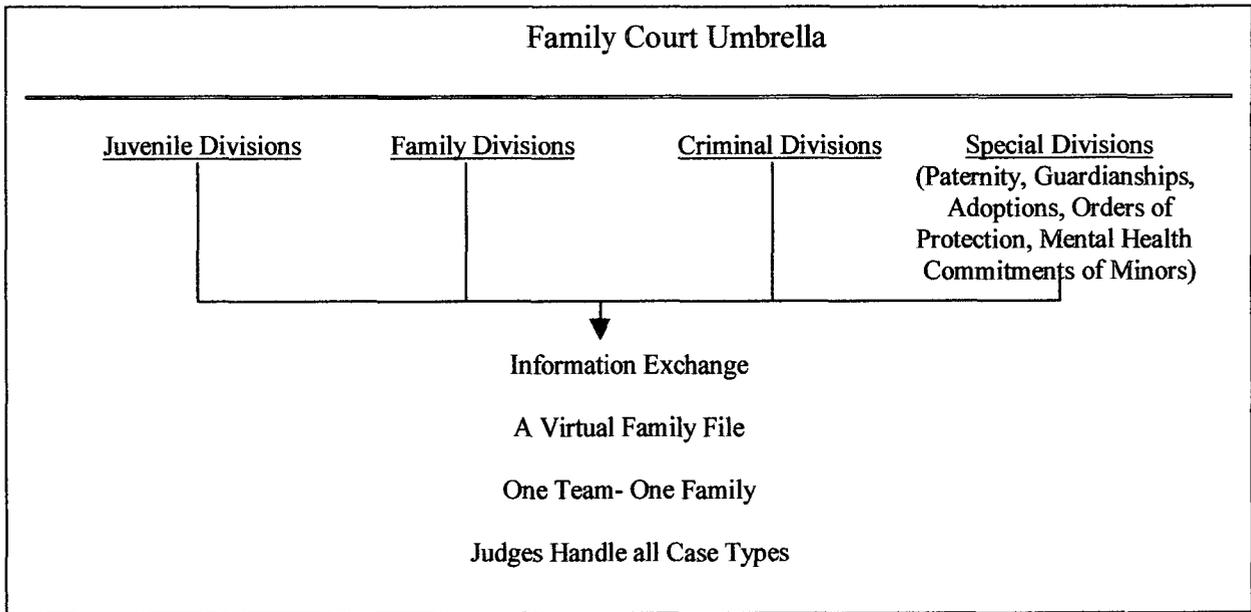
Ongoing involvement with a family's legal matters enables a judge to develop a more complete understanding of the comprehensive nature of the family's legal problems by allowing the judge to identify the many systems within which family members participate therefore leading to better outcomes (Peckham 262 ).

#### Disadvantages of Restructuring

One aspect of unification that is identified as a possible disadvantage is the high costs. These additional costs are usually from capital costs such as facility expansion, and staffing and service costs from the employment of highly trained judges and staff and providing a higher degree of social services to address the needs of parties that is not often done in a traditional model. The question that should be asked is whether these costs will continue to increase with the increase in numbers of children and families involved in a unified family court or will the coordinated efforts and improvements provide the efficiencies and improvements that offset these costs. The reduction of duplicating efforts of both courts and litigants and time saved in fewer appearances could certainly be an offset.

The Maricopa County Family Court Task Force decided on a model for its' own integrated family court based in part on a costs issue. Design structure includes: court; social service delivery system; case processing and management; and administration and organization. The Global Structure of the chosen model incorporates all the necessary and related divisions with improved lines of communication and advanced coordinated

efforts linked by technology and shared personnel. This can be seen in the diagram below:



5

V. Research Methodology

Background

The genesis for the Maricopa County Family Court Task Force was the demise of the statewide committee (Committee to Study Family Issues in the Superior Court-Arizona). A copy of the Final Report and Recommendations (December 1998) issued by the state committee is attached (Appendix A). In his memorandum requesting local continuation of research and review of potential unification benefits, the county presiding judge suggested contemplation of a, "pilot or first phase experiment". (see copy of letter dated 3-26-99 in Appendix B). In the year since the creation of the Maricopa County Task Force, the multi-disciplinary group has developed a pilot project. Work continues in the development of this pilot and in discussion on how best to address the coordination of efforts.

At the time of publication of this paper, the Maricopa County Family Task Force has reached some agreement as to structure and scope of the pilot. The pilot was preceded by what is termed a "virtual pilot". Described as a pre-test of the performance measures, there was no "touching" of the cases and no intervention by court personnel. In order to proceed with a scaled version of the program, it was determined that a baseline needed to be established. Cases were screened to determine if they fit the profile (i.e. concurrent juvenile and domestic relations cases).

## Research Design

To best determine the key factors necessary for a successful family court, a survey instrument was developed. This research effort was designed to outline what has been listed in current literature as essential elements to improved family law coordination of cases and then to formulate this information into structured questions for the survey instrument. A copy of the entire survey instrument can be found in Appendix F.

## Sample Group

The identification of successful unified family courts was one of the first important tasks of the survey construction as it was necessary in the development of a sample group. There have been several examinations of the potential benefits of integration. Rather than narrow the sample group based on whether certain criteria were met or how well certain standards were reached, a more comprehensive sample group was identified. Any jurisdiction that had attempted and reached some positive results from coordinated efforts was a candidate for inclusion in the survey. Three sources were referenced in the development of the sample group. The first was the American Bar Association's on-going research and study of unified family court sites (ABA, UFC Chronicle 1). The "Communities, Families and the Justice System" project of the ABA has been assisting efforts in six pilot family courts for over two years. These sites are located in: Atlanta, Georgia; Baltimore, Maryland; the District of Columbia; Puerto Rico; Markham, Illinois and Seattle, Washington.

Another project sponsored by the American Bar Association has worked to maintain a current data base of family court progress. This work has compiled information on a state-by-state basis. Included in this listing of family courts across the country are: jurisdiction of the court; judicial officer functions; how social services are delivered and most importantly for the work of this study, a listing of project contact persons (ABA, Progress Report ).

The third and final source of reference for the sample was the work conducted by the Association of Family and Conciliation Courts (AFCC). The AFCC document titled, Profiles of Selected Family Courts is a joint study performed with assistance from Hofstra University School of Law. The survey instrument gathered detailed information from several family court sites. Questions centered around several key areas such as: how the judiciary are selected, assigned and trained; a description of the docket composition; formulated time standards for particular case types; and a listing of support services available in the family court (e.g. mediation, education, substance abuse counseling and team management). Admittedly, the selection of the sample group was based not on scientific design but on (1) geographic location, (2) length of time the family court had been operational; and (3) conformity with the concepts known to play a part in family court unification. The list of participating jurisdictions include well established and recognized unified programs (Australia, Hawaii and New Jersey) and those jurisdictions that are still in development (Maryland and Cook County, IL). One common response from most of the jurisdictions included here was that there is much case overlap with family issues. This high degree of overlap is found between domestic

violence and divorce cases or with delinquency and issues of children in need. This finding along with the knowledge that these matters demand multiple hearings and are usually regulated by strict time standards is evidence that there is some need for the refinement of family court practices.

Once the sample sites were identified, it was then important to identify the individuals that were to be asked to participate. Here again, the ABA's Progress Report was used as a source. One component of this ABA document is that a contact person or persons are listed if additional information is desired. This information proved very helpful in determining the best source for family court information at a particular site. Another source for individual contact information was the National Association for Court Management membership listing (1998).

This study was designed to systematically choose the response sites and to predetermine that individual respondents should be selected from a cross-section of positions and backgrounds (e.g. judges, court administrators, family court administrators, program managers and clerks of court).

### Pre Test

Prior to release of the survey instrument, a pre-test was conducted. Seven administrators in various roles throughout the Maricopa County Superior Court were asked to complete the questionnaire. The purpose of the pre-test was to determine the amount of time necessary to complete the form and to elicit suggestions and/or

recommendations for both form and content. Following the pre-test, only minor revisions were made which helped to shorten the survey and add space for additional respondent comments. The result was that with some relative confidence survey participants were informed that although certain statistical data was being requested, the survey instrument could be completed within 10-15 minutes. There was some overlap in that more than one individual from a particular site may have been sent a survey form. The purpose of this identification of more than one survey participant for a site was to elicit responses from multiple parties on a particular family court. A total of 35 surveys were mailed out to 15 different sites (courts). Twenty-seven surveys were returned representing nine states, the District of Columbia and Puerto Rico. The response rate was a remarkable 77 percent. The survey responses provide information related to fourteen different family courts. Surveys were mailed to program managers, court administrators, clerks of court and judges associated with the family court. The majority of responses received were completed by persons in a court administrative role. Four of the responses received were completed by judges. One note of interest is that of the three clerks of court identified for the survey and sent a questionnaire, no responses were received. It can only be assumed that the clerks either did not have access to the requested court data or postulated that it was inappropriate to respond.

#### Survey Questionnaire

The data collection instrument for this project is a three page survey (Appendix F). The majority of questions in Section A, "Individual Profile" and Section B, "Profile of Jurisdiction" are structured to develop a composite of both the individual and the jurisdiction as to position held, length in position, population served and the number of

judicial officers. Section C, “Family Court Design” seeks information on the establishing authority for the local family court and the types of matters heard in that court. There are questions that are designed as Likert scale responses (e.g. strongly agree – strongly disagree) which seek respondent answers to objectives, authority and roles of key leadership positions. The majority of these type questions focus on the individual’s response to their position on judicial and administrative working relationships. The importance of collecting information on the respondent’s position and personal working relationship is based in part on the hypothesis of this research that there are essential elements that contribute to a successful model for a family court. Two of these elements are thought to be (1) a good working relationship between court administration and the Bench and (2) judicial leadership. The final two questions in the survey ask that the respondent identify any and all possible reasons they feel the local jurisdiction has been successful in unification or integration of family court matters and then lastly, which elements were thought important for the success of a unified or integrated family court regardless of the jurisdiction.

Table 2 highlights the states and jurisdictions for which there were survey responses.

Location	Population Served	Total # of Judicial Officers (Full & P.T.)	Judicial Officers assigned to Family Court	Total # of Recent Filings†
Ann Arundle County, MD	480,000	15	3	5,000
Atlanta, GA , Fulton County	1.2 million	26	17 <sup>1</sup>	3,500
Baltimore, MD Circuit Court of Baltimore City	65,000	51	9	-----
District of Columbia	350,000	86	14	37,000
Honolulu, HI	1 million	23	24 <sup>2</sup>	29,207
King County, WA	1.6 million	60	2 <sup>3</sup>	14,045
Markham, IL Circuit Court of Cook County	6 million	400	30	1000 <sup>3</sup>
Michigan	9 million	581	No Response	265,000
Patterson, NJ	-----	26	8	30,000
Puerto Rico	3.5 million	315	27	31,141
San Jose, CA	1.2 million	99	12	24,205
St. Paul, MN	450,000	34	9	4,982
Trenton, NJ	7.7 million <sup>5</sup>	14 <sup>6</sup>	No Response	400,000
Upper Marlboro, MD 7 <sup>th</sup> Circuit Court	750,000	33	9.5	17,500

† Based on respondents assessment of last CY or last 12 months of family court filings

1. Two full-time judges are dedicated to the pilot project
2. Includes one full-time judge from District Court
3. Number of cases in pilot project
4. Two judges are assigned to the Unified Family Court Project
5. Population of State
6. Assigned to State Family Division

The overall response rate was 77 percent. Because of the small size of the sample group, it was important to have a response rate over 50 percent. Responses were received from all but one survey site. It appears that several sites with multiple respondents either worked in tandem or delegated one party as the respondent. There were two jurisdictions with only one person responding. These responses were examined and statistical data (e.g. population served, case filings) was rounded for results. Personal responses to the questions were treated individually.

#### Data Compilation and Analysis

A master list was maintained to monitor survey distribution. The relative small sample size permitted data collection to be completed by the researcher. Returned surveys were checked against the distribution list and matched for state, jurisdiction and position of party responding. This information was used only to verify responding courts and no information is reported on an individual basis as perspective respondents were promised some degree of confidentiality. All the surveys were mailed during the second week of September 1999. This mailing date offered sufficient time for the respondents to complete and return the questionnaire and, if necessary time to contact those individuals that had not returned the form. The final survey returned was received in early November 1999. No follow-up was conducted on the non-returns since it was determined that several jurisdictions had combined efforts among multiple survey recipients and the response rate was sufficient. The postmarks on the majority of responses indicate that the respondents completed the survey and mailed the return within 10 days of receipt. A postage paid, addressed return envelope was provided with each survey form and the participants were promised a copy of the research results. Postmarked envelopes were maintained with the received surveys to keep track of the returns. The data were entered,

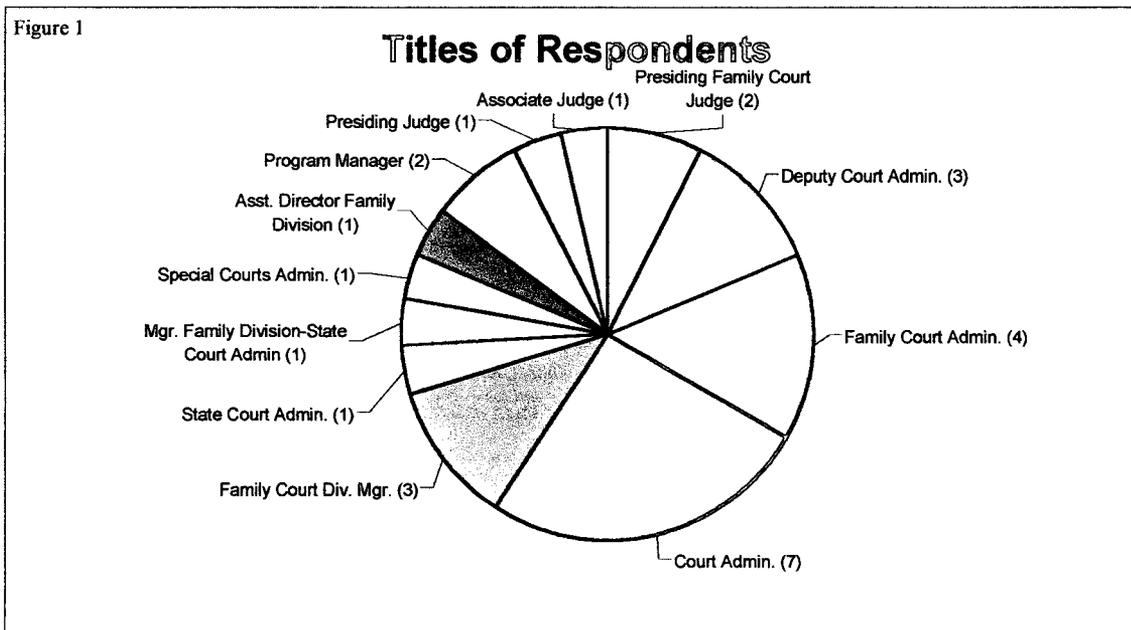
stored and managed using ACCESS 97™ software. The preference data using the Likert scale was numerically coded from 1-5 (strongly disagree – strongly agree). This helped to facilitate management of the 5-point bipolar response range when entering data into the database management system. Excel 97™ was used to create charts, graphs and tables. Microsoft Word™ was used for word processing the document and creation of the tables. Figures and graphs were created in Excel 97 and imported into the MS Word database. Back-up copies of the database were maintained on floppy disk.

**6**

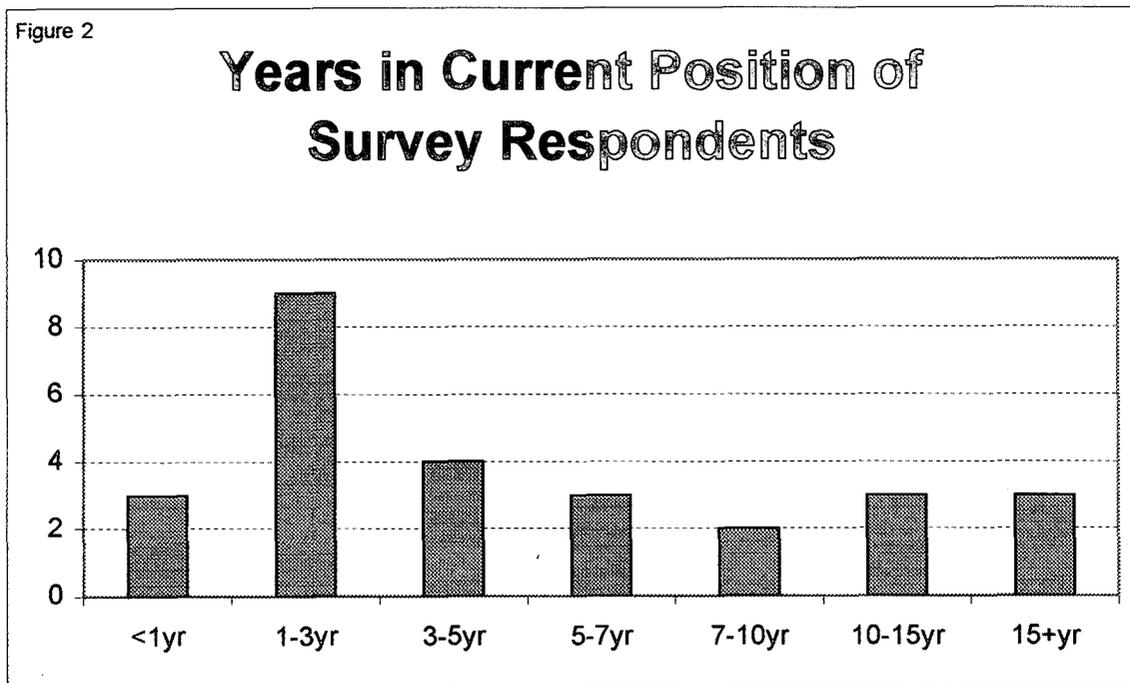
## VI. Research Findings

### Profile Information

Individual Profile: The survey instrument lists nine different job classifications and space for free form response, if needed. As seen in Figure 1, the largest single category of respondents are court administrators (26%). The next single largest response group is family court administrators at nearly 15%. The number of judges responding equals that percentage and is comprised of presiding judges, presiding family court judges and associate judges. In total, 85% of responses are from administration personnel with the remaining 15% comprised of judicial respondents. As noted above, there were no responses received from clerks of court. The majority of all responses are from persons holding position in the trial court or general jurisdiction level court but two surveys represent information from state court administrators.



The respondents were then asked how long they had held their current leadership position. The responses (Figure 2) ranged from less than one year to more than 15 years. One respondent in the highest-end category noted 18 years of service in the current position. One-third of all responses to this question fell in the range of one to three years of service.

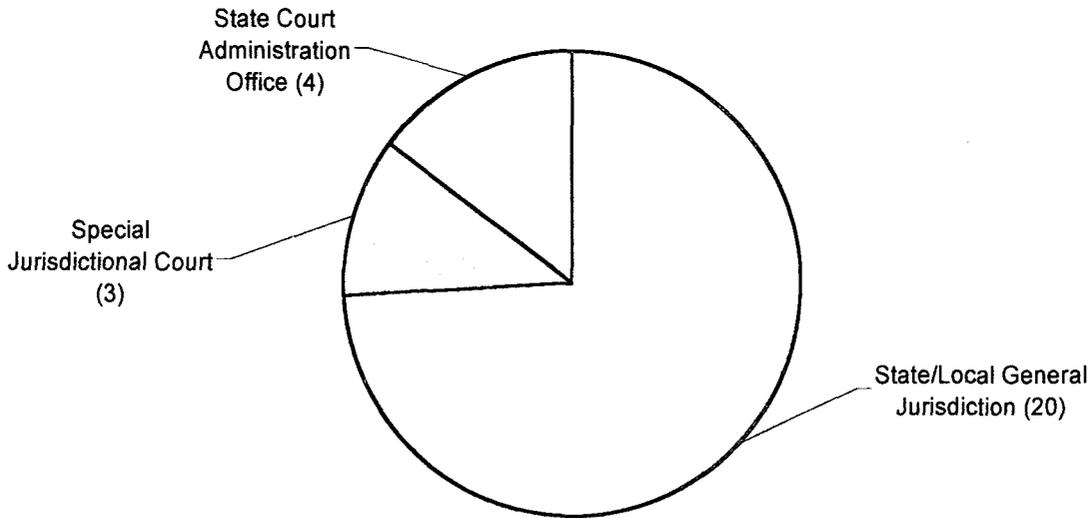


Court Profile: The large majority of surveys (20) were completed by persons working in what is described in the instrument as a “state or local general jurisdiction court”. The remaining 7 surveys were submitted by persons employed in either a “special jurisdictional court” such as a domestic relations or juvenile court (3) or a “state court administrative office” (4).

Figure 3 on the next page displays this data.

Figure 3

## Type of Court Organizations Represented by Respondents



Profile of Jurisdiction: The jurisdictional demographics of the fourteen different court sites is highlighted in the second section of the survey. Court size, based on the number of judicial officers ranges from 8 judges in a New Jersey court to 591 full and part-time judges assigned statewide in Michigan. Much of this data including population served by the court, total number of judges in the jurisdiction, number of judicial officers assigned to the local family court, and the most recent number of case filings in the family court can be reviewed in Appendix J.

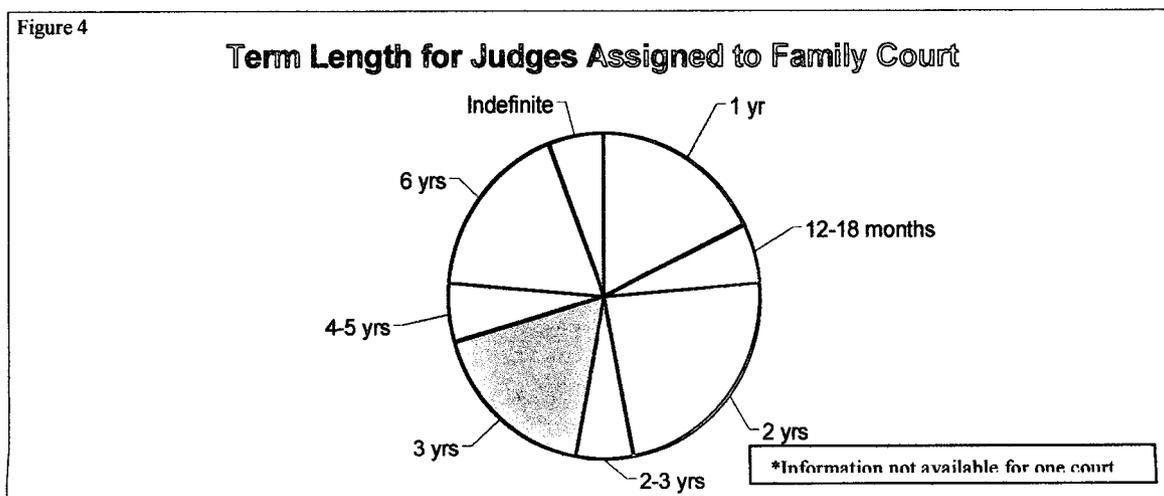
Judicial Officer Assignment: The method of assigning judges to the family court bench in most of the surveyed jurisdictions is done primarily by the presiding or chief judge. In only one court is the assignment or selection process made by random rotation.

It is interesting to note that none of the polled jurisdictions have a process by which judges are elected directly to the family court bench or assigned to family court based on a family law practice specialization.

Table 3 below lists some interesting additional notes penned by respondents as to the method of judicial assignment to family court.

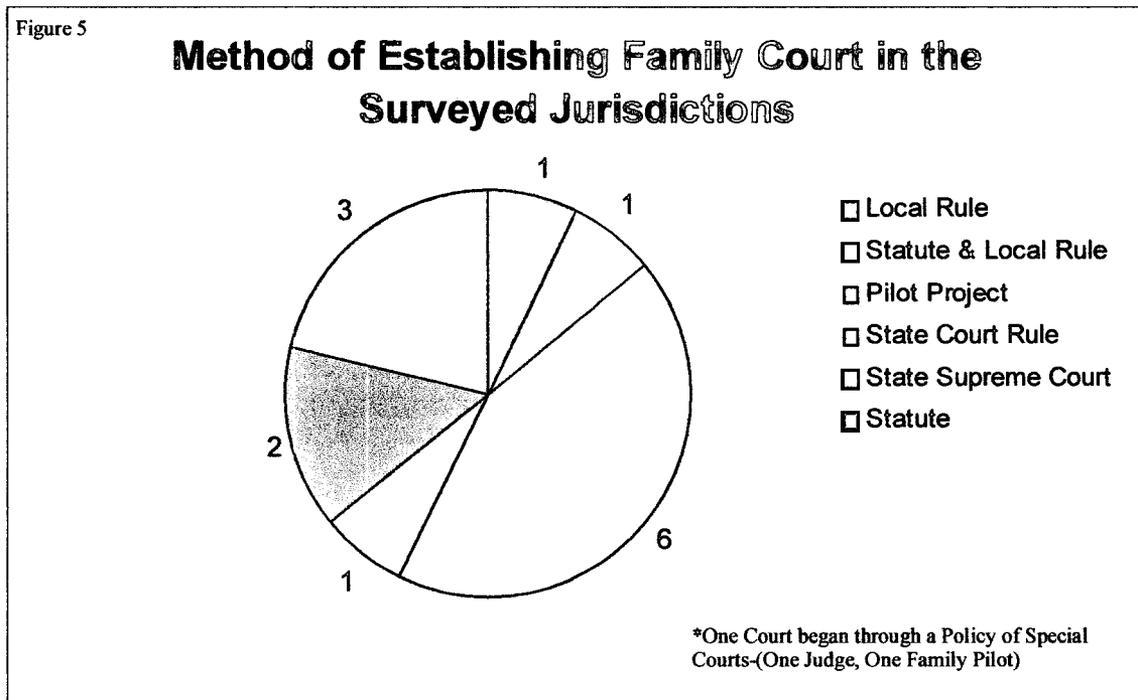
<p>Table 3</p> <p><b><u>Additional Methods of Assigning Judges to Family Court</u></b></p> <ul style="list-style-type: none"> <li>◇ through discussion with the chief judge</li> <li>◇ by judicial selection committee and senate confirmation</li> <li>◆ by State Supreme Court and Supreme Court Administrative Office</li> <li>◇ by legislative selection, judicial screening and assignment judge</li> <li>◆ governor's appointment</li> </ul>
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Following the question as to how judges are assigned to the family court, respondents were asked for the length of term assignment to that part of the court. The most frequent response is two years but there was no overwhelming majority answer for this question as seen in Figure 4.



## Methods of Establishing Family Court

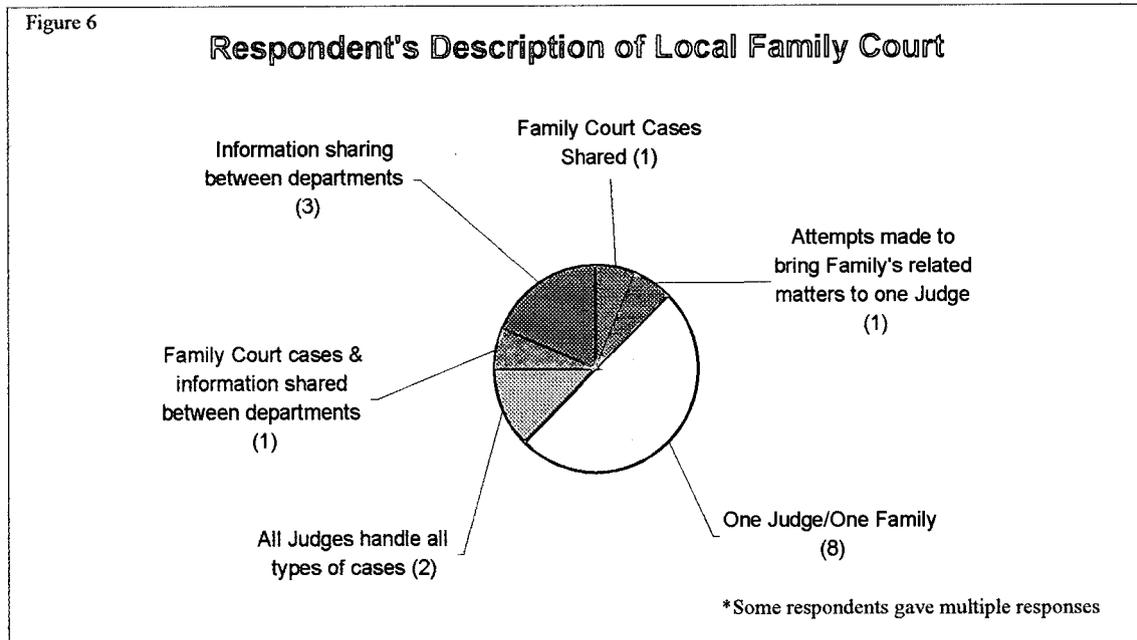
Questions were posed which sought information on the establishment and authority of the respondent's family court. For the most part, surveyed sites have only realized a family court in the last five years. A majority, (6 of 14) responses to this question reflect that the jurisdiction's family court was established between 1995 and 1998. The longest standing family courts surveyed in this project (1964,1972 and 1984) were first established by: statute, local rule and the state supreme court. Although as seen below (Figure 5), a high proportion of responding sites began as pilot projects, most of these have only started since 1996. Based on the responses of the pilot project courts, the pilot period lasts approximately two to three years prior to the start of a family court model. For most of the pilot group a planning phase was instrumental in the creation of the pilot and this phase may last an additional two to four years.



Family Court Jurisdiction: Responses to the question of matters heard in the family court lead to interesting speculation. The six jurisdictions that started their family court as a pilot handle relatively fewer case types than those with alternative beginnings. This may be attributable to the fact mentioned earlier that the pilot group includes relatively newer programs. Program planning however would usually dictate that in a pilot there would be a limitation of matters originally included. This often helps to ensure probability of success while reducing administrative challenges. Although one court currently involved in a pilot evidences an ambitious listing of case types included in their model, (domestic relations, juvenile, probate, mental health, domestic violence and criminal felony matters) most courts that have organized a pilot have directed their energies and resources in a more focused manner. The jurisdiction that has been involved in a family court pilot for the longest time, including a four-year planning phase, includes a greater diversity of matters. It is unclear based on the questions posed whether any of the “pilot” courts have added matters as progress has been made and some stability assured.

The respondents were next asked to describe the jurisdiction of their family court. Several different responses were offered, including: one judge/one family; all judges handle any case; family court cases are shared between domestic relations and juvenile court and; information is shared by both juvenile and DR departments. Space was provided for respondents to add different structures that were not included in the choices. Nearly one-half of all responses to this question was, “one judge/one family”. There is some obvious correlation on how a family court is established and the response to this description question. Of the eight different jurisdictions that describe themselves as a one

judge/ one family model, establishment may have been by way of statute (3); pilot (4) or; state supreme court rule (1). Figure 6 depicts the different statements used to describe the family courts in the survey.



### Judicial /Administrative Working Relationships

Five questions were developed to test the hypothesis that of the essential elements necessary in the creation of a successful unified family court model, two issues should be present. These elements are: (1) clearly defined roles of both the administrative and judicial leadership and; (2) a good working relationship between the court administrative executive and judicial leadership in the court and the judge directly responsible for the family court. Specifically, the questions developed in a Likert scale allowed the respondents to choose among the five-point bipolar responses ranging from strongly agree to strongly disagree. Table (4) presents information and frequency distribution of the respondents to the first question:

*The mechanism establishing a unified/integrated family court in my jurisdiction is clear as to the goals, objectives and authority of the court.*

Nearly ninety percent of all the respondents feel that there was a strong foundation for the establishment of the unified family court. Whether the mechanism was by statute, state supreme court rule, local rule or pilot; the goals, objectives and court authority were well established.

Table 4 <b>Clear Goals, Objectives and Authority of Family Court Establishing Mechanism</b>		
<b>Scale</b>	<b># of Respondents</b>	<b>Percent</b>
5-Strongly Agree	9	33.3%
4-Agree	15	55.6%
3-Neither Agree or Disagree	0	0%
2-Disagree	3	11.1%
1-Strongly Disagree	0	0%
Total	27	100%

The second question attempts to identify the importance of a clear role for the presiding or chief judge in the development of the family court.

*The role of the presiding/chief judge in the development and framework of the unified/integrated family court in my jurisdiction is clear.*

Perceptions by those surveyed are that the establishing mechanism set forth the presiding judge's role in the development of the family court. Twenty-one respondents, or seventy-eight percent agree or strongly agree that this was adequately addressed (Table 5).

Table 5 **Role of Presiding/Chief Judge in the Development of the Family Court is Clearly Defined**

Scale	# of Respondents	Percent
5-Strongly Agree	8	29.6%
4-Agree	13	48.2%
3-Neither Agree or Disagree	6	22.2%
2-Disagree	0	0%
1-Strongly Disagree	0	0%
Total	27	100%

Question three in this set asks whether the role of judicial officer in the family court is clearly defined.

*The role of the judicial officer in the development and framework of the unified/integrated family court is clearly defined.*

Once assigned to serve in this area of the court, are the judges given direction and included in the on-going development of the family court framework? An overwhelming majority of respondents 23 of 27 (85.2%) answered either agree or strongly agree to this question (Table 6).

Table 6 **Role of Family Court Judge is Clearly Defined**

Scale	# of Respondents	Percent
5-Strongly Agree	13	48.2%
4-Agree	10	37.0%
3-Neither Agree or Disagree	4	14.8%
2-Disagree	0	0%
1-Strongly Disagree	0	0%
Total	27	100%

Question Four, seeking information on the role definition of the court administrator, reflects a significant number of responses in non-agreement range.

*The role of the court administrator in the development and framework of the unified/integrated family court is clearly defined.*

There is some evidence from the responses that this key component of program development (administrative role definition) is not fully or adequately addressed in the documents establishing the family court. The frequency distribution is outlined in Table 7 below.

Scale	# of Respondents	Percent
5-Strongly Agree	8	29.6%
4-Agree	12	44.5%
3-Neither Agree or Disagree	3	11.1%
2-Disagree	4	14.8%
1-Strongly Disagree	0	0%
Total	27	100%

The final question in this set focuses on the relationship between court administration and judicial officers in developing and maintaining the family court.

*Court Administration and judicial officer in the family court work very closely to develop and maintain the unified/integrated family court in this jurisdiction.*

Although most respondents either agreed or strongly agreed with this statement, it was surprising that 4 of the 27 (15%) neither agreed or disagreed. One note of interest is that the four responses that fell in the middle category of neither agreeing nor disagreeing with this statement are evenly split between administrators and judges.

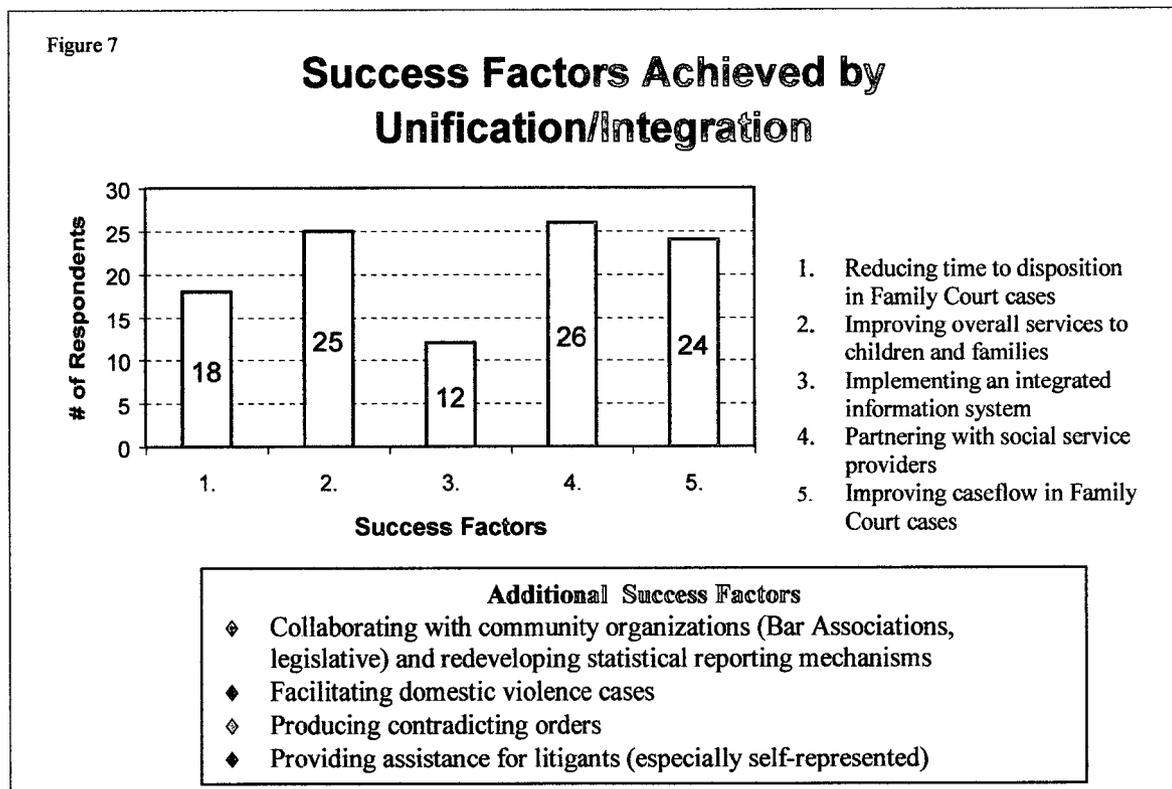
Scale	# of Respondents	Percent
5-Strongly Agree	7	25.9%
4-Agree	16	59.3%
3-Neither Agree or Disagree	4	14.8%
2-Disagree	0	0%
1-Strongly Disagree	0	0%
<b>Total</b>	<b>27</b>	<b>100%</b>

#### Elements Necessary for a Successful Integration of a Family Court System

The final two questions of the survey centered on, (1) how the respondent's integrated or unified family court has been successful and; (2) the elements perceived as important to achieving successful integration/unification of family court matters in any jurisdiction. The respondents were asked to identify any and all success factors and important elements they thought applicable.

In the question on how the local jurisdiction has been successful, there were five choices offered. There were multiple responses from all but one of the 27 persons surveyed. Only one respondent included a single response, "partnering with social service providers". This response was the single most identified factor as it was listed as a success by 26 of the 27 respondents. These results as well as additional comments made by the respondents are listed in Figure 7. The factor proving to be the most challenging for the surveyed jurisdictions is the, implementation of an integrated

information system. It was not anticipated in the creation of the question and related responses that this would be the most challenging but this result could well have been expected due to challenges of integrating information systems. The remaining four responses drafted as possible choices for the respondents are achievable in more controlled environments. Court administration and judicial officers can request certain automated program changes but technological limitations, information technology staff expertise and competing projects and funding demands offer barriers to technology changes.



Two of the offered responses list subparts or further examples for the respondent. With the choice of, “calendar system”, eight respondents added that it was important to have an individual calendar model while one response added that a hybrid type is beneficial. The second question offering additional example, those surveyed and

choosing, “management of family cases” were asked whether this management should be centralized, decentralized or a hybrid. Nearly half of those who felt this factor was important to a successful family court also noted that management needs to be centralized. There were three respondents listing a “hybrid” management system as their preference.

The final question highlights the objective and the main hypothesis of this research:

*There are essential elements that, once identified and adhered to can produce a successful model for a unified or integrated family court in any jurisdiction.*

As mentioned in the Research Methodology section of this paper, the surveyed jurisdictions were chosen because of some identified component(s) of successful family court programs. The extent to which they have reached success may be a matter of debate both from outside the particular jurisdiction and from internal stakeholders. This aside, it was important to survey respondents in key administrative and judicial positions to ascertain their perceptions and measure these responses with others. Table 9 highlights the preferences and frequency distribution of those surveyed. Only one factor shared unanimous choice as a required factor for a successful family court program. This all important element is, “good working relationship between court administration and the Bench”. Two others were identified as important elements by all but one respondent

These are:

- Information/Technology Integration; and
- Judicial leadership

Table 9

**Factors Important in Achieving Successful Unification/Integration**

Factor	# of Responses	Percentage
Good working relationship between Court Administration and the Bench	27	100%
Information/Technology Integration	26	96.3%
Judicial leadership	26	96.3%
Partnerships with the private sector	25	92.5%
Support from other governmental entities	24	88.8%
Specially assigned judges	22	81.5%
Management of family cases (e.g. centralized, decentralized, hybrid)	22	81.5%
Development of a pilot to test procedures	22	81.5%
Formation of a Family Court Task Force/Committee etc.	19	70.4%
Additional or dedicated facilities	19	70.4%
Calendaring System (e.g. master/individual)	17	63.0%
n=27		

Table 10 below lists other factors identified as being important for successful unification/integration.

Table 10

**Other Factors Listed, Needed for Successful Unification/Integration**

- ◇ Culture modification, create a service environment and make generalists-specialists
- ◆ Set definitive “tracks” and time standards
- ◇ Need support and buy-in of Family Bar
- ◆ Flexibility in implementation to meet local needs
- ◆ Training at state and local level

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## VII. Conclusions and Recommendations

Conclusions: The primary intent of this research was to test the hypothesis:

*There are essential elements that once identified and adhered to can produce a successful model for an integrated family court.*

Using quantifiable elements of both a qualitative and quantitative nature, the research set out to examine such characteristics as: leadership, accountability and the commitment to the goal of providing improved services for children and families through the integration or unification of family court practices. The research findings are informative in several areas. First, although the idea of the unified family court model has had proponents as far back as 1914, the popular movement towards unification of family law practices shares a much more recent history. This may be evidenced in the research finding that reflects survey participant years in current court leadership role. Sixteen of the twenty-seven respondents or more than 59 percent expressed that they have served for less than five years in their current position. There may not be a direct correlation on whether jurisdictions assign new administrators or judges to this area of the court. It can be determined through this research that of the newer programs, most of which evolved by way of a pilot, a majority of persons directly responsible for development and maintenance of the project have only 1-3 years of time in their position.

Findings do not indicate that assignment to the unified/integrated family court is done by hiring of new staff specifically for that task or appointment based on years of

service as administrator or judicial officer. A follow-up question to this research or research designed to further determine assignment criteria and methods is suggested.

The findings indicate that there is a considerable variance in the length of assignment to the family court. The results of actual term lengths indicated by those surveyed in this research coincide with preference results from previous research (Flango and Rubin, *Judges' Journal*, 36). In that questionnaire, respondents were asked, "How long should judges serve on juvenile, domestic relations, or family courts?" There was no clear preference determined and the responses ranged from one year to twenty-five years. Although this research was not seeking preference or suggested length of assignment, it appears that there is no clear judicial assignment practice in the surveyed family courts. Responses to this question ranged from one year to "indefinite." Comparatively, results of the survey by Flango and Rubin reflect a preference rate of 47% for term length of two-four years while respondents in this research reflect that approximately 56% of judges are actually assigned to the family court for this two-four year range.

Obvious indicators of response differences could well be attributed to the immense difference in jurisdictional size and the unique program establishment characteristics of each site and other local factors. The populations served by the responding jurisdictions ranged from 65,000 to 9 million citizens. Responses to questions on the population served, number of family court filings, and the total number of authorized judgeships in the jurisdiction do not always reflect plausible judicial

workload. The structure of these questions may have caused some confusion among the respondents and refined question construction could have alleviated this confusion.

There were some discrepancies in role clarity of key leadership positions vital to the success of the unified/integrated family court. Generally, respondents either agreed or strongly agreed with statements that role definition is clear with the lowest agreement rate for the position of court administrator. Since most respondents are members of court administration, this finding may be of greater importance. Do court administrators and family court program managers fully understand their role in the development of such programs or is there continued role ambiguity that may be an internal barrier to successful program implementation? It is unclear how this role ambiguity, coupled with the high positive response rate (85.2%) on the importance of close working relationship between these groups might correlate.

Recent literature addressing the advantages of family court unification/integration has well captured the important factors. The surveyed parties overwhelmingly agree that: improving services to litigants; partnering with social service providers; and improving caseload in family court cases are all realized through their own programs. Such positive responses from these jurisdictions should prompt others to weigh these benefits against the defined disadvantages listed earlier in this paper.

The factors listed by respondents as having importance in the design and development of successful unified/integrated programs reflect a high incidence of relational significance. The two most frequently identified success factors relate to

working relationships between court administration and judges and judicial leadership. One success factor with a high response rate is the integration of information technology systems. This may be of important significance since the implementation of integrated information systems has been realized in less than one-half of all surveyed jurisdictions. Although this is seen as vital to successful unification, either technological challenges or funding have probably prevented achievement of integration of information systems. The fact that these jurisdictions have attained a high degree of success in their attempts to unify or integrate their family courts in light of obvious hurdles is promising.

#### Recommendations

The research findings offer promise to the Maricopa County Family Court Task force and give rise to several recommendations. These recommendations are not only for that jurisdiction but any other that wishes to pursue plans to unify or integrate family court matters. The measures listed below are offered as essential steps necessary to assuring success in family court program design, implementation and development.

1. Clearly define the role and responsibilities of the court administrator, program manager, presiding judge, department and program judges. Role definition should also be clear and precise for all other parties that have responsibility for management and development of the program.
2. Identify all stakeholders at an early stage. Develop and foster relationships with both internal and external partners.

3. Identify a judge with key leadership qualities that is convinced of the benefits offered by unification and will work to persuade others.
4. If possible, pilot test the procedures and practices with limited case types to assure monitorable and incremental successes. Make adjustments through a slow and steady progress.

The findings of this research suggest a need for continued examination of the internal and external barriers in unification of family courts. Although there are several good models to follow, including some in this study, unique local characteristics also bring additional challenges. Further research is suggested in the following:

1. the optimum term length for judicial officers assigned to the family court
2. an analysis of progress made in each surveyed jurisdiction and the local characteristics that may have played a role
3. a more in-depth examination of the automation issues and how these might be addressed or how progress can continue in-light of this obstacle

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**X. Appendices**

## Appendices

- A. Final Report and Recommendation of the Committee to Study Family Issues in the Superior Court, Arizona (December, 1998)
- B. Letter from Presiding Judge Robert D. Myers Establishing a Family Court Task Force in Maricopa County (March 26, 1999)
- C. Justice 2002, Building Trust and Confidence In Arizona Courts (August 1999)
- D. Framework for an Integrated Family Court , Superior Court of Arizona in Maricopa County
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- F. Questionnaire
- G. Family Court Flowchart, pre and post decree- Maricopa County
- H. Model Juvenile Court Flowchart- Maricopa County
- I. Caseflow Management Design for an Integrated Family Court Pilot- Maricopa County
- J. Maricopa County Family Court Case Filings (calendar year 1999)



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**COMMITTEE TO STUDY FAMILY ISSUES IN THE  
SUPERIOR COURT**

Honorable William J. O'Neil  
Honorable Barry C. Schneider  
Cochairs

**A FAMILY COURT SYSTEM**

December 1998 Final Report and Recommendations

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# RECOMMENDATIONS OF THE COMMITTEE TO STUDY FAMILY ISSUES IN THE SUPERIOR COURT

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In accordance with the charge set forth in Administrative Order 97-54, the Committee to Study Family Issues in the Superior Court submits the following recommendations:

## **I. Establish a Family Court in Arizona based on the following goals and principles:**

- A. Family Court should satisfy the special needs of families and children.
- B. Family Court should be a division or department of the Superior Court, rather than a stand-alone or inferior court. (See Page 7)
- C. Family Court would eliminate duplicative court services and would not necessarily require separate facilities. (See Page 7)
- D. The broad sharing of information between the courts and agencies or entities is essential to a Family Court. Automation is the means to accomplish the information sharing; therefore, funding of such automation is imperative to the success of a Family Court. (See Page 7)
- E. Judicial officers of the Family Court would preside over domestic relations cases, juvenile cases, guardianship of minors, and domestic violence protective orders. (See Page 9)
- F. An attempt should be made to minimize the adversarial process where appropriate, recognizing that in certain circumstances, such as juvenile delinquency and domestic violence cases, it may not be appropriate. (See Page 9)
- G. A system for differentiated case management; e.g., a system of early assessment and intervention based on the complexity of the case, is needed for a Family Court. (See Page 10)
- H. Family Court should include a continuum of multidisciplinary resources and services.
- I. The adoption by each county of principles for the rotation of judges that are fair, predictable, and supported by timely and substantial education and training, would enhance the professional competence of a Family Court in Arizona and better serve families. (See Page 11)
- J. The application of a therapeutic approach to issue resolution should be recognized as having a significant and beneficial role in the handling and disposition of family law matters. (See Page 11)

## **II. Establish a broad-based, multidisciplinary committee that will provide input from each branch of government and other stakeholders to design and develop and then implement Family Court in Arizona. (See Page 13)**

## **I. Introduction**

On October 22, 1997, Chief Justice Thomas A. Zlaket signed Administrative Order 97-54 establishing the Committee to Study Family Issues in the Superior Court (Committee). The Committee was charged to:

**“[E]xamine the manner in which cases involving family issues, including cases involving minor children, presently are processed and determined in the Superior Court, including a review of jurisdiction issues, judicial selection, and case management; review other states’ methods for promoting the fair, prompt, and uniform resolution of family-related cases, including the Family Court model; suggest additions or amendments to current rules or procedures or other measures leading to improvement in the manner in which these cases are resolved in the court system; and report to the Arizona Judicial Council its findings and recommendations . . . .”**

A serious concern of the Judicial Department is the need for improved resolution of family issues in the court system. Family law matters often present unique problems not encountered in other litigation. Among other things, family law cases are distinguished from other, more traditional cases, by the continuing relationship of family members; the multiplicity of potential disputes affecting a family; the adjudication of rights and responsibilities of persons who are not formal parties; the increasing numbers of unrepresented litigants; and the frequently emotional nature of the issues to be determined. Of paramount importance is the protection of the best interests of children involved in family law matters.

In articulating its agenda for Arizona courts by the year 2002, our Supreme Court has recognized that the Superior Court should consider the creation of a family court to meet the goal of protecting children and families by improving the effectiveness of the courts in dealing with family and children issues.<sup>1</sup> Traditionally, family law issues have been molded to fit into preconceived court processes, which pit the opponents against each other in a highly adversarial framework. In dissolution cases, the adversarialism of the system has often caused irreparable damage to not only the divorcing spouses, but to the children who become pawns in this struggle. Often the children in these situations have either already been or will later be seen in the Juvenile Court system.

Family and juvenile matters consume a significant amount of the court’s time in the Superior Court of this state. In Arizona, a separate juvenile court and a specialized domestic relations department, presided over by Superior Court judges, have been maintained in the two major metropolitan areas of Maricopa and Pima Counties. In less populous counties, where the Superior Court consists of only one judge or a few judges, the judges have handled children and family law proceedings in addition to their other caseloads. Collectively, Maricopa and Pima Counties account for 69% of the state’s juvenile cases and 75% of all domestic relations cases.<sup>2</sup>

Domestic relations cases continue to constitute the Superior Court’s largest category of filings. Data provided by the Arizona Supreme Court indicates the number of domestic relations cases filed in Arizona courts during 1996 was 86,723. Additionally, 1996 probate and juvenile cases

totaled 69,519 and 28,303, respectively. During that same period, orders of protection and injunctions against harassment totaled 4,053.<sup>3</sup>

The public is demanding better and more responsive laws that affect the family. In the last few years there has been a flurry of legislative activity (e.g., Model Court dependency legislation, covenant marriage legislation, *in loco parentis* custody and visitation, mandatory parental education, enhancement of child support enforcement, changing criteria for spousal maintenance, a substantial change in community property concepts, amendments concerning custody, access, and relocation of parents, etc.) reflecting these concerns. In addition, there is a growing sense that our court system, often seen as fragmented, unnecessarily complex, prohibitively expensive, and unduly cumbersome, is in need of major change.

A fragmented judicial system is costly to litigants, inefficient in the use of judicial resources, and can result in the issuance of diverse or even conflicting orders affecting the family. Complicating this situation is the fact that almost half of all family law litigants are unrepresented by attorneys,<sup>4</sup> primarily due to the litigants' inability to afford private counsel or to secure free legal services. As a result, the issue of access to the courts for family law adjudication also presents a compelling problem.<sup>5</sup>

Attorneys who practice in the domestic relations department in Maricopa County have expressed their frustration over the increasing overlap of jurisdiction between domestic relations and juvenile dependency; especially where there is an allegation of sexual abuse of the child being made in both courts. Other frustrations expressed include a lack of resources to deal with family issues, the inconveniences of having to be in two or more places to deal with similar issues, delay in resolving issues, the apparent inconsistency and confusion from findings and orders made, and the lack of judicial efficiency.<sup>6</sup>

Numerous studies have been conducted at the national and state levels that recommend the establishment of a Family Court system to resolve these problems. The term "Family Court" has different meanings for different persons. Its broad connotation is of a single court dealing with all the legal problems of the family. It is often described as a court that must be more than a forum for resolving legal conflicts of family members. It must be a person-oriented court, one which makes the law work for people, rather than merely fitting family problems into a preconceived legal framework.

## II. Background

In June 1988, the Arizona Supreme Court Commission on the Courts (Commission) created The Task Force on Children and Families in the Courts (Task Force). Charged with examining critical issues in juvenile and family justice, the Task Force chose as its mission statement: "To improve the effectiveness of the courts in dealing with children and families." The Task Force, which met from October 1988 through April 1989, recognized that family and juvenile matters consume a significant amount of the court's time in the Superior Court of this state.

The Task Force recommended that a study be conducted to determine if problems exist related to the separation of children and family issues in various divisions of the court; which of those problems the creation of a Family Court system would solve and if such a system would create additional problems; and to examine alternate approaches to court organization and alternatives to solving the problems identified within the present system, such as through the use of increased communication, cooperation, and new procedures.

The Task Force suggested that the essential elements of a study should include an assessment of:

- Constitutional, statutory, and other legal questions of jurisdiction and judicial procedures;
- Judicial support;
- Administrative issues, such as
  - staffing and personnel
  - fiscal impact
  - administration
  - facilities and space management
  - automation and management information
  - case flow management and operating procedures
  - court reporting;
- Impact on social service agencies and other resources available to the court; and
- The particular effect on the court system in each county.

The Task Force went on to recommend that the Arizona Supreme Court create a committee, made up of representatives from all agencies and court divisions affected, to conduct a study to determine the feasibility of creating a Family Court system in Arizona. Task Force members believed that if their recommendations were adopted the result would be improved delivery of justice to children and families.

Since the Task Force completed its recommendations, the improved resolution of family and children issues in the court system has continued to be an important issue; as evidenced by two court projects: the Arizona Court Improvement Project; and the Pima County Model Court Project, which is intended to enhance the procedures and time lines within which dependency cases are processed, improve accountability of interested parties involved, and, most importantly, decrease the time that children reside in out-of-home placement. In her report to the Arizona Judicial Council (AJC) on June 9, 1997, regarding juvenile court judicial rotation in relation to the Pima County Model Court Project, Honorable Nanette M. Warner referred to an article by Judge Robert Page, *Family Courts: An Effective Judicial Approach to the Resolution of Family Disputes*, which brought the concept of Family Court to the table.

Consistent with national studies and the Commission and the Domestic Relations Division of the Administrative Office of the Courts (AOC) recommended that the Chief Justice establish a committee to study the feasibility of establishing a Family Court concept within the Superior Court of Arizona.

### **III. The Committee to Study Family Issues in the Superior Court**

The Committee to Study Family Issues in the Superior Court (Committee) was established on October 22, 1997, when Chief Justice Thomas A. Zlaket signed Administrative Order 97-54. Members were drawn from the judiciary, clerks of court, conciliation court administrators, advocacy groups, superior court administrators, the AOC, academia, the family law section of the state bar, the Attorney General's office, county attorney offices, the Governor's Office, medical and mental health professionals, clergy, and community representatives. The composition of the Committee represented an attempt to reach outside the court system and pull together those people who deal on a daily basis with all phases and facets of intra-familial disputes. To the blend of the Committee was added the knowledge and expertise of staff at the AOC.

Before discussing the Family Court as a concept, the Committee was charged to review the weaknesses, if any, of the current court systems as they exist throughout the state. In approaching this task, the Committee formed workgroups and assigned responsibility to the workgroups for further study. The Committee decided to invite persons from within and without the state to meet with the workgroups and offer suggestions and share their experiences. Definite meeting dates and schedules for program study and development were set at the outset.

The Committee studied a number of reports regarding Family Courts. These reports analyzed essential elements and implementation of and philosophies behind a Family Court. The research indicates that there is no single model widely used. Instead, each state and county has created a family court that contains the elements most beneficial to that state or county. (A bibliography of the research materials used is attached.)

#### **A. Mission Statement**

On November 25, 1997, the Committee held its first organizational meeting. It quickly set about identifying whether a Family Court is a viable option for Arizona.

Recognizing that the term "Family Court" has different meanings for different persons, the members developed a statement that would become the Mission of the Committee.

The Committee saw their mission as developing a court system that would broadly:

- deal with problems of the family in an integrated manner,
- be more than a forum for resolving legal conflicts of family members,
- be a person-oriented court,
- make the law work for people, and
- do more than fit family problems into a preconceived legal framework.

To accomplish that, the members identified the following goals:

- Creation of a non-threatening court, especially for use by the ever growing pro se population,
- Improved case management,
- Funding for public and/or private services, and
- Training and education for judicial officers and staff

The goal of this committee was to study the Family Court concept, and make a recommendation as to whether this concept should be implemented in Arizona.

#### **B. Committee Meetings**

From November 1997 through May 1998, members of the Committee, workgroup members, and members of the public met once a month. At full Committee meetings, reports on study and developments were received from each workgroup chair. The Committee invited Hunter Hurst, Jr., a national expert on Family Courts and Professor David Wexler, Committee member and Professor, University of Arizona College of Law and Department of Psychology, to speak at public meetings of the Committee. Mr. Hurst gave the Committee an overview on Family Court structure in various states; what procedures appear to be working, and the issues or areas that are of concern. Professor Wexler provided the members with insight into the concept of therapeutic jurisprudence. Information was also received from local Arizona experts in the areas of domestic relations, juvenile, and probate law.

#### **C. Workgroups**

At the Committee's organizational meeting on November 25, 1997, members decided to form four workgroups: Court Systems, Jurisdiction, Case Processing/Resources, and Legislative/Rules. The workgroups consisted of Committee members combined with additional members from the judiciary, academia, advocacy groups, attorneys, mental health professionals, Department of Economic Security, and Maricopa and Gila County Attorney's Offices. The Committee was assisted by two studies in formulating the workgroups, their tasks, and suggested areas of study: 1) *Fashioning an Interdisciplinary Framework for Court Reform in Family Law: A Blue Print to Construct a Unified Family Court*, Barbara A. Babb, Assistant Professor, University of Baltimore School of Law, and 2) *"Family Courts" An Effective Judicial Approach to the Resolution of Family Disputes*, Robert W. Page, Presiding Judge, Family Part, Superior Court of New Jersey, *Juvenile and Family Court Journal*, 1993, Vol. 44, No.1. Given an aggressive meeting schedule, the workgroups were directed to conduct research into the areas of study as enumerated in the Workgroup Study Matrix (Appendix E).

The workgroups met on a monthly basis. Workgroup progress reports were presented by the workgroup chairs to the full Committee during its monthly meetings. The

workgroups' conclusions and recommendations were presented to the Committee as a whole. The reports submitted can be found in Appendices F, G, H, and I.

## **D. Committee Conclusions**

What follows are the workgroups' recommendations as adopted by the full Committee. The information provided has been classified according to the discrete issues of court structure and facilities, information sharing, case assignment, case management, judges in a Family Court, therapeutic jurisprudence, and legislation and rules.

### **1. Court Structure and Facilities**

The Committee did not start with the assumption that some type of Family Court structure would or should be established in Arizona, although there was a significant feeling that such a result might well come to pass. The Committee believes that a free-standing Family Court is neither realistic nor necessary, but recognizes that this decision will ultimately be made by each county. The Committee concludes that a Family Court should be established in Arizona and it should be a division/department of the Superior Court not a stand-alone or inferior court. To the extent possible, at the election of each county, existing Superior Court facilities should be used. By making the Family Court a division or department of the Superior Court, recognition and stature are maintained.

### **2. Information Sharing/Technology and Automation**

#### **a. The Problem**

To properly serve the needs of children and families, courts must be able to effectively communicate information within the court, between courts, and between the court and relevant law enforcement and social service agencies. The present system has serious and apparent shortcomings in this vital area.

**i. Information Sharing Between Superior Court Judges in a County:** Within the Superior Court in a large county "the left hand does not know what the right hand is doing". A judge in the Domestic Relations Department may not necessarily know about orders just entered by a judge in the Juvenile Department, and vice versa.

**ii. Information Sharing Among Superior, Municipal, and Justice of the Peace Courts in a County:** A judge in a court may have little or no information as to orders entered by judges in other departments of that court or in other courts in the county. For example, a judge in the Domestic Relations Department may not know what orders of protection, if any, have already been issued,

denied, or modified by a judge in the Phoenix Municipal Court or a Justice of the Peace in Maricopa County, and vice versa.

iii. **Information Sharing Between Judges in Different Counties:** A judge in one county has little or no information as to orders entered by a judge in another county. If a juvenile is adjudicated delinquent in Maricopa County, a judge in the Juvenile Court in Pima County does not have that information readily available through technology.

iv. **Information Sharing Between Courts, Law Enforcement, and Social Service Agencies:** There is no effective technological communication system between courts and relevant social service and law enforcement agencies. The Juvenile Court in Maricopa County has begun some information sharing with the County Attorney on juvenile delinquency cases, and between the court and the Child Protective Services Unit of the Department of Economic Security on dependency and severance matters. Additionally, the Domestic Relations Department in Maricopa shares some court information by automation with the Attorney General's office on child support matters. However, most of the information gathered by the courts, law enforcement, and social service agencies is not shared among and between these government services. The duplication of information is enormous, and the cost of failing to share crucial and important information cannot be overstated.

b. **The Solution:**

With today's technology, multiple facilities can be linked by computer or other electronic systems to allow information sharing and networking. A technologically-based system of shared communication would not only help a judge manage a case efficiently, but also enhance the ability to make informed decisions about a child, a family, a parent, and anyone else involved in the court system, consistent with other court orders and agency action as appropriate. This need is especially critical in the larger counties, where communication among a large number of people is necessary.

It is no longer acceptable for tax-supported institutions such as the courts and executive branch agencies to be on information systems that do not communicate and that cripple, rather than enhance, the smooth and appropriate flow of information. Initial experiments in information sharing court-to-court and court-to-agency have proven that government agencies and the public all benefit when government takes the steps necessary to begin sharing technology and information.

To delay sharing of information through technology on the grounds that it is too confusing or too difficult to do so is no longer acceptable. The public and children in the state are entitled to our best efforts. They are entitled to comprehensive information sharing among and between courts, law enforcement, and social service agencies, so that tax dollars are spent conservatively and well, and children and families are served.

3. **Case Assignment**

A Family Court should integrate and combine in one division/department (The Family Court Department/Division) the functions traditionally assigned to domestic relations, juvenile, including delinquency, and the portion of probate dealing with guardianship of minors.

<b>Probate</b>	<b>Guardianship of minors.</b>
<b>Domestic Relations Issues</b>	Dissolution of marriage and legal separation (with or without children), conciliation, conciliation services, child support, spousal support, custody, visitation (access), allocation of property, <i>in loco parentis</i> custody and visitation, paternity, consent to marriage by minors.
<b>Juvenile</b>	Dependency, delinquency, guardianship, severance, adoption, mental health matters, and other child related matters.
<b>Domestic Violence</b>	Injunctions against harassment arising from family violence, orders of protections.

The family court would follow the general principle of one judge-one family. The committee also recognizes however, that this principle cannot be followed in every case. It should be a goal for the majority of cases.

The Committee carefully examined the wisdom of including juvenile delinquency cases in the matters to be considered for assignment to a Family Court. The Committee decided to recommend that delinquency cases should be included in the Family Court since the family is seriously affected by such matters. For example, delinquency may be related to abuse or neglect, or may be a significant factor in deciding issues of custody or visitation. The Committee also recognized that some juvenile delinquency and domestic violence cases require an adversarial adjudicatory process for appropriate case resolution. The more serious juvenile delinquency cases are not included in Family Court.<sup>7</sup>

#### **4. Case Management and Support Services**

Case management systems should be designed to identify, at an early stage, the profile of the case, and then to place the case on a track for resolution. The system developed should facilitate efficient and effective identification of those matters that are simple and uncontested and those that are more "difficult". The more simple matters will then be able to pass through the system expeditiously.<sup>8</sup>

The court processing systems must also recognize the importance of alternative dispute resolution modalities. To assist judges in the family law case management process, an effective Family Court must offer alternative dispute resolution procedures, such as negotiation, mediation, and other informal processes, in addition to the traditional adversarial mode of decision making.<sup>9</sup> These alternative procedures become important due to the distinctive nature of family law proceedings – legal issues with an overlay of highly-charged emotional and social problems. The earlier the court incorporates these alternatives into family law proceedings, the more successful we become at minimizing the adversarial nature of the process and identifying services to assist families.<sup>10</sup>

In considering which specific processes to adopt, the court should be mindful of budgetary constraints and should intelligently allocate the appropriate resources to families as needed. A Family Court will result in the double benefit of enhancing the array of services while eliminating duplication. This will create a cost-effective environment and offer a more efficient and practical method of dealing with family issues.

In addition to the improvement of the judicial system, an important feature of a Family Court is the improved delivery to the public of both legal and social services. The Family Court Pilot Project Advisory Committee to the Judicial Council of Virginia noted:

"Family conflicts do not present solely legal issues any more than they present solely sociological ones. A quality resolution of family disputes requires procedures which integrate the societal protections provided by the law with the remedial interventions provided by court service units, social services, mental health agencies, and other alternative dispute resolutions approaches."<sup>11</sup>

#### **5. Judges in a Family Court**

Historically, it has been difficult to keep judges on domestic relations and juvenile assignments because of the high volume of cases, the high emotional level of the parties, and the adversarial nature of the process. The Committee concluded that with the creation of the Family Court these concerns would be addressed and resolved. In addition, with the combining of domestic relations and juvenile matters

into a Family Court division/department the assignment would afford greater variety and flexibility.

It is important that judges assigned to Family Court be trained and educated in family law (including juvenile and some probate). In merit selection counties, applicants with legal experience and training in family law should be given due consideration for appointment.

Judges assigned to Family Court should serve for a reasonable length of time to become proficient in family law. While sufficient flexibility needs to be built into any rotation plan, each county must develop rotation policies that are fair, reasonable, predictable, and will support, by timely and substantial education and training, the professional competency of such judge. Consideration should be given to the preferences of the individual judicial officer to continue tenure on such assignment. This was an area of substantial discussion. The majority of the Committee felt it was premature at this juncture to recommend the specific length of term allowing each county some latitude in this area.<sup>12</sup>

#### **6. Therapeutic Approach**

A therapeutic approach to issue resolution should be at the heart of a Family Court. This approach contemplates an attitudinal change in the Bench, Bar, and public recognizing that high conflict is harmful to children. It means greater use of alternative dispute resolution including mediation, but also includes the preservation of due process.<sup>13</sup>

In applying this concept to family law issues, it is recognized that the perpetuation of the traditional notion of resolving disputes through adjudication by means of the adversarial process serves to exacerbate the conflict. Therapeutic processes, when successful, will permit the parties to resolve their disputes with a minimum of conflict. Similarly, a therapeutic approach should neither be misconstrued as diminishing the significance of criminal offenses brought to the attention of such courts (including perpetration of domestic violence, whether on partners or children), nor inhibit imposition of severe penalties when warranted.<sup>14</sup>

#### **7. Legislation and Rules**

While some changes and/or additions to state statutes may be necessary to the functioning of Family Court (e.g., an amendment to A.R.S. § 8-202(A) may be required to address jurisdictional issues in juvenile cases), analysis suggests that a Family Court may operate within the existing statutory scheme for jurisdiction and operation of the Superior Court. To the extent possible, Family Court should be established through the administrative authority of the Supreme Court and of presiding judges in each county. Until the specific structure of the Family Court is decided it is premature to identify specific legislative initiatives that may be

necessary. This task should be assigned as part of a design and development phase for Family Court. Efforts should be coordinated with the Domestic Relations Reform Study Subcommittee.

The nature of family cases and the overriding goal to eliminate wherever possible the adversarial nature of court processes, suggests a separate set of rules and procedures for operation of the family court should be developed for uniform statewide application. The rules should be distinct from but embody relevant portions of the present Arizona Rules of Civil Procedure, Rules of Procedure for the Juvenile Court and Arizona Rules of Evidence. However, consistent with other findings of the Committee, the overall structure should promote efficient, cost-effective settlement and resolution of family disputes in a conciliatory and non-adversarial manner. Cases should proceed with the minimal use of court time and resources, narrowing and settling the issues at every stage of the proceedings. To the extent possible, the rules should give priority to alternative dispute resolution (ADR) mechanisms that emphasize problem solving. The Family Court Design and Development Committee should identify and propose rules.

#### **IV. Recommendations of the Committee**

The recommendations of this committee are not viewed as major or radical. Rather, they incorporate the identified principles into a family-focused process within the Superior Court.

Recognition is given that resources always will be limited. The court must ensure that resources are not taken from the neediest families and children.

Counties that choose to begin implementing the goals or processes recommended by the committee are urged to do so, as long as those procedures do not violate current statutes or rules.

In accordance with the charge set forth in Administrative Order 97-54, the Family Court Committee submits the following recommendations:

##### **A. Establish a Family Court in Arizona.**

The Family Court model envisioned by the Committee would be based on the following general goals and principles:

1. Family Court should satisfy the special needs of families and children.
2. Family Court should be a division or department of the Superior Court, rather than a stand-alone or inferior court.
3. Family Court would eliminate duplicative court services and would not necessarily require separate facilities.
4. The broad sharing of information between the courts and agencies or entities is essential to a Family Court. Automation is the means to accomplish the

information sharing; therefore, funding of such automation is imperative to the success of a Family Court.

5. Judicial officers of the Family Court would preside over domestic relations cases, juvenile cases, guardianship of minors, and domestic violence protective orders.
6. An attempt should be made to minimize the adversarial process where appropriate, recognizing that in certain circumstances, such as juvenile delinquency and domestic violence cases, it may not be appropriate.
7. A system for differentiated case management; e.g., a system of early assessment and intervention based on the complexity of the case, is needed for a Family Court.
8. Family Court should include a continuum of multidisciplinary resources and services.
9. The adoption by each county of principles for the rotation of judges that are fair, predictable, and supported by timely and substantial education and training, would enhance the professional competence of a Family Court in Arizona and better serve families.
10. The application of a therapeutic approach should be recognized as having a significant and beneficial role in the handling and disposition of family law matters.

**B. Establish a broad-based, multidisciplinary Family Court Design and Development Committee that will provide input from each branch of government and other stakeholders to design and develop, and then implement Family Court in Arizona.**

The Committee was charged to examine the manner in which cases involving family issues are processed and determined in the Superior Court, to review other state's methods for promoting the fair, prompt and uniform resolution of family-related cases, including the family court model, and to make recommendations for improvement in the manner that these cases are resolved in the court system. In response, a conceptual model of a Family Court was developed, based upon goals and principles outlined above. It is recognized that further design and implementation efforts must proceed before functional reality is obtained.

Many issues remain to be resolved. As described earlier in this report, a Family Court must deal with problems of the family in an integrated manner, resolving a variety of family issues or disputes in an efficient and non-adversarial manner, engaging community and social services where applicable. Uniformity of rules and procedures and information based on common technologies seem imperative. Yet the diversity of our state demands that some customization be permitted at the county level.

To execute the recommendation to establish Family Court in Arizona, the input of each governmental branch and various segments of the community is critical. The Family Court Committee itself was conceived as a multidisciplinary body representing a cross section of stakeholders. That model should continue as design, development and, ultimately,

implementation of Family Court is realized. Accordingly, the Committee recommends that the Supreme Court appoint a broad based multidisciplinary body to oversee establishment of a Family Court in Arizona.

The following suggestions regarding the composition and operation of the committee are offered:

1. Continuity should be maintained.

Much work has been done in both investigating family courts established in other jurisdictions and conceptualizing the appropriate model for Arizona. The results should be carried over to and shared to avoid duplication of effort and maintain momentum. Continuity could be achieved by either extending the life of the current Committee, perhaps as supplemented by additional members representing other interests or specialties, such as technology or systems design, or by appointing some members of the current Committee to the successor group.

2. Tasks should be phased with established time frames.

It is anticipated that significant time and effort will be required to resolve the various issues necessary to finally implement Family Court in Arizona. The process will be facilitated by a logical phased approach, by which design and development is first undertaken, with implementation to follow. However, the expected significant benefits of Family Court for families and children should not be delayed. The Committee suggests that design & development be completed by December 1999. By July 2000, strategies to implement the plan should be identified and a project time line for implementation established.

3. County subgroups should be created.

A "one size fits all" approach to establishment of Family Court is not feasible or desirable in a state as diverse as Arizona. The Superior Court differs among counties in such areas as judicial and other staff, funding revenue, availability of resources, caseload, automation capability and population served. Some elements of Family Court must be county-specific. To ensure necessary input from and communication with the various counties and to allow administrative planning to begin at local levels, county subgroups should be formed within the successor committee. Three separate subgroups should be established, representing the state's two most populous counties, the six counties with populations of more than 100,000 and the remaining seven counties.

4. The Supreme Court Committee on Technology should be a partner.

Successful implementation of Family Court will be depend greatly on technology to automate information sharing and networking to facilitate case

management and to permit informed decision-making. In our mobile society, important information about a family may be lodged in case files in various political subdivisions, or even states. Consideration must be given to the method of integrating or developing automated systems, as well as funding, statutes, or agreements that may be required to execute statewide information sharing. The Supreme Court Commission on Technology should be involved in assessing statewide and county needs and recommending a course of action to provide statewide inter-connectivity.

5. Coordinate with the Legislature

As discussion on this topic proceeds, liaison with members of the legislative branch will be important to foster understanding of the Family Court concept and cooperation in supporting legislative measures that may be required. It is suggested that members of the legislature and/or their staffs participate as members of the successor committee.

It may be beneficial to consolidate laws applicable to these functions in a single part (title or chapter) of state law. This issue should be referred to the appropriate legislative committee for review, perhaps to the Domestic Relations Reform Study Subcommittee.

## END NOTES

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1. Justice 2002, Building Trust & Confidence in Arizona Courts, (1998)
2. Arizona Commission on the Courts, Report of the Task Force on Children and Families in the Courts, III, 43 (1989).
3. The Arizona Courts Data Report for FY 1996, 1, 67 (1996)
4. Jane C. Murphy, Access to Legal Remedies: The Crisis in Family Law, 8 BYU J. Pub. L. 123, 124 (1993) (footnote omitted); See Advisory Council on Family Legal Needs of Low Income Persons, Increasing Access to Justice for Maryland's Families 49 (1992)(finding that in 1991, only about 11% of low-income litigants in family law cases were likely to have received legal assistance); see also Karen Czapanskiy, *Domestic Violence, the Family, and the Lawyering Process: Lessons form studies on Gender Bias in the Courts*, 27 Fam. L.Q. 247, 273-74 (1993)(indicating that women comprise the majority of poor people); James Podgers, *Chasing the Ideal*, A.B.A. J., Aug. 1994, at 56, 58 (discussing lack of access to legal services and to the justice system for persons at and above the poverty line).
5. Murphy, supra 4.
6. Report, supra 2.
7. Under current law, it is mandatory that serious violent offenses committed by minors 15 and older be filed in adult court; the County Attorneys of the various counties have considerable discretion to file in adult court against minors 14 and over who are charged with certain serious violent offenses or who are chronic offenders.
8. Differentiated Case Management now being used in Maricopa County and the Model Court Project, originally implemented in Pima County and now statewide by legislation, are examples of the types of case management systems that can be created.
9. Sanford N. Katz and Jeffrey A. Kuhn, *Recommendations for a Model Family Court: A Report From the National Family Court Symposium*, NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES (1991).
10. Barbara A. Babb, Fashioning an Interdisciplinary Framework for Court Reform in Family Law: A Blueprint to construct a Unified Family Court, 71, S. CAL. L. REV. 469, 522 (1998).
11. Family Court Pilot Project Advisory Committee to the Judicial Council of Virginia, Report on the Family Court Pilot Project, 33 (1992).
12. Family Court rotation cycles vary from nine months in the District of Columbia (B. Babb telephone interview with Edward Ricks, Director of Family Division, June 27, 1997) to

life-time appointments in Rhode Island (R.I. Gen. Laws § 8-16.1-7, Supp. 1996). New Jersey's Family Court judges rotate on an annual basis, but usually serve two to three years (B. Babb telephone interview with Marie Pirog, Staff Attorney for the Family Law Division) while judges in Missouri rotate every four years (MO. Rev. Stat. § 487.050, Supp. 1997). Along with six other states, Hawaii rotates on a 6 year basis. Hawaii is unique in that the judges also rotate within the Family Court dockets (B. Babb telephone interview with Richelle Kawasaki, Law Clerk with the office of Senior Judge Michael A. Town, Family Court of the First Circuit, Apr., 1997)

Barbara A. Babb, Where We Stand: An Analysis of America's Family Law Adjudicatory Systems and the Mandate to Establish Unified Family Courts, 32 FAM. L. Q., 60 (1998).

13. One illustration of a therapeutic approach is therapeutic jurisprudence. One commentator has defined it as "the study of the role of law as a therapeutic agent. It looks at the law as a social force that, like it or not, may produce therapeutic or anti-therapeutic consequences. Such consequences may flow from substantive rules, legal procedures, or from the behavior of legal actors (lawyers or judges)."

David B. Wexler, Putting Mental Health into Mental Health Law: Therapeutic Jurisprudence, in ESSAYS IN THERAPEUTIC JURISPRUDENCE 3, 8 (David B. Wexler & Bruce J. Winick eds., 1991)

14. Catherine J. Ross, The Failure of Fragmentation: The Promise of a System of Unified Family Courts, 32, FAM. L. Q., 30 (1998).

- 15.

## GLOSSARY OF TERMS

**Alternative Dispute Resolution (ADR)** - A process to resolve a legal dispute or case in lieu of traditional litigation, such as arbitration, mediation, settlement conference, short trials or trial before privately retained hearing officers.

**Differentiated Case Management (DCM)** - A method to manage the flow of cases through the court system efficiently and effectively at a pace best suited to each individual case, by which early in the litigation process, cases are screened and assigned to "tracks" based upon identifiable characteristics and case events and the progress of cases is continuously monitored, utilizing deadlines for case events to occur, leading to termination as and when appropriate.

**Domestic Relations** - Broadly understood to refer to a variety of matters involving marriage and the family, including termination of marriage, child custody, child support and paternity. Laws relating to domestic relations are codified in Title 25 of the Arizona Revised Statutes.

**Domestic Violence** - A pattern of controlling, abusive or violent behavior in a relationship, that includes, spousal, child or elder abuse. Domestic violence is defined in Arizona law as particular crimes perpetrated in a prescribed relationship (A.R.S. 13-3601).

**Elder Abuse** - Known as vulnerable adult abuse, under section 13-3623, Arizona Revised Statutes, this is a crime of intentional or criminally negligent harm to or unlawful imprisonment or sexual abuse or assault of an individual over the age of eighteen who is incapable by virtue of a mental or physical impairment of self protection from abuse, neglect or exploitation by others.

**Ex Parte** - A term referring to an application to or communication with the court by one party to a case without knowledge of the other party. While ex parte communication typically is forbidden, in some circumstances applications for court relief may be made ex parte, provided that the other party receives notice and has an opportunity to be heard within a reasonable time.

**Judicial Officer** - Refers to a person elected or appointed to hear and determine cases in the courts and, in the Superior Court, includes judges, commissioners and judges pro tempore.

**Juvenile Court** - Defined by section 8-201, Arizona Revised Statutes, as a division of the Superior Court exercising jurisdiction over children in any proceeding relating to delinquency, dependency or incorrigibility. Arizona state law requires that in counties having more than one Superior Court judge, a particular judge or judges be designated hear these types of cases involving juveniles.

**Juvenile Delinquency** - Generally refers to the commission of an act by a minor child that if committed by an adult would be a criminal offense. In Arizona a delinquent juvenile is defined in section 8-201, Arizona Revised Statutes, as a child who is adjudicated to have committed a delinquent act.

**Juvenile Dependency** - Generally refers to the condition in which a minor child is in need of proper and effective care that no parent or guardian is willing or able to provide or in which a child is destitute or not provided with the necessities of life. A dependent child may also mean a child under the age of eight who has committed an act that would result in adjudication as a delinquent or incorrigible child if committed by an older child. In Arizona, proceedings to have a child declared dependent are commenced in the juvenile court.

**Parent Education Program** - Technically referred to the Domestic Relations Education on Children Issues Program, refers to a statutorily mandated (A.R.S. 25-351 *et seq.*) program established under the supervision of the presiding Superior Court judge in each Arizona county designed to educate parents about the impact on children of separation and divorce.

**Jurisdiction** - The authority of a court to determine a particular legal controversy. A court's jurisdiction may be derived from a constitution, statute or the common law.

**Pro Se** - Literally by oneself, a term used in reference to litigants unrepresented by legal counsel.

**Probate** - Generally understood as referring to the disposition in the Superior Court of matters relating to estates' of deceased persons, probate authority of the court also extends to other matters, including the protection of minors under title 14, chapter 5, Arizona Revised Statutes, such as appointment of guardians or conservators for the minor of the property of a minor.

**Self Service Center** - A facility designed to assist litigants not represented by legal counsel in initiating and pursuing to conclusion various domestic relations cases by providing information and legal forms.

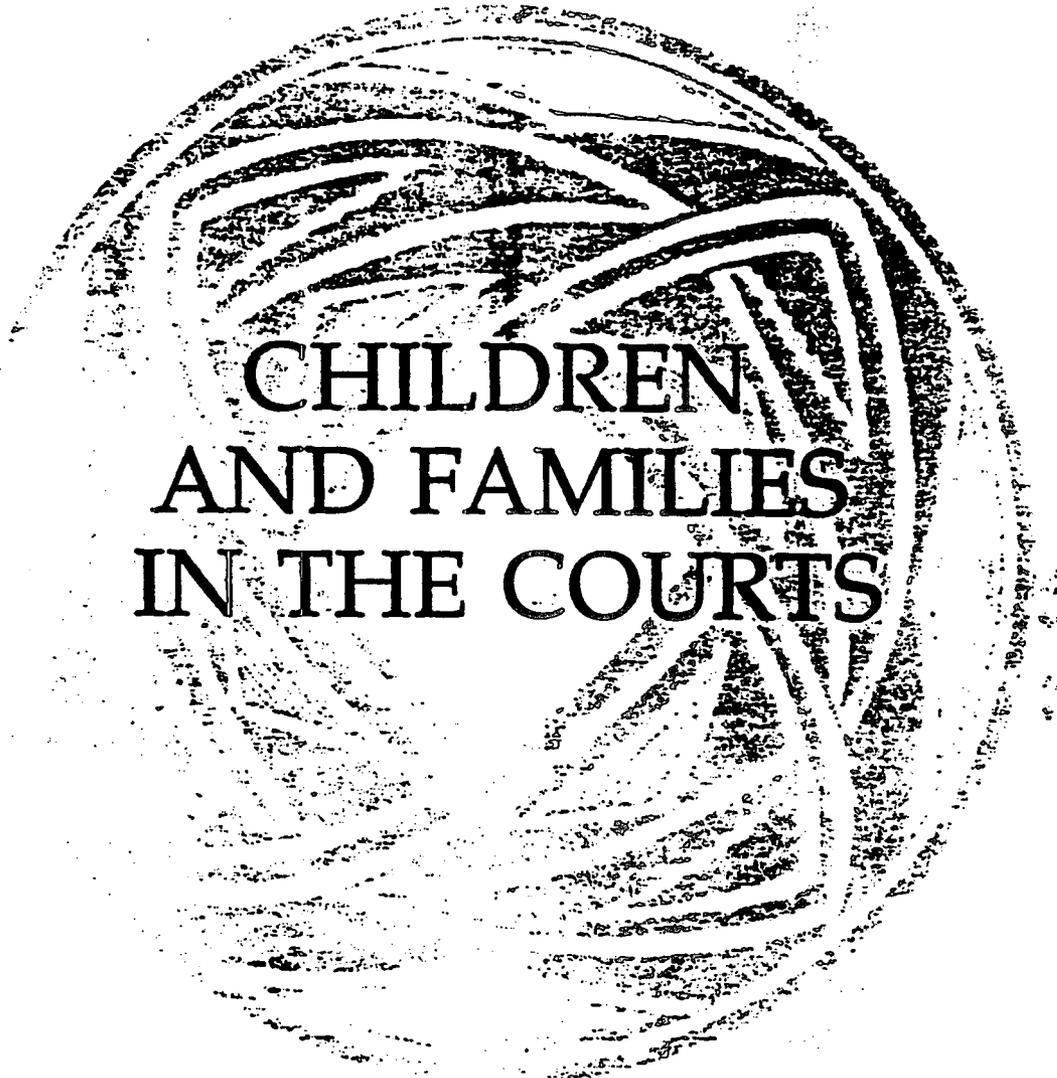
**Severance** - Generally understood to refer to the termination of the parent-child relationship by court process.

**Superior Court** - The general jurisdiction court of the State of Arizona, having constitutionally prescribed authority over particular cases and controversies. The Superior Court is a single court having one or more judges in each county. Superior court judges may hear all types of cases except small claims, minor offenses, or violations of city codes and ordinances.

## **Appendix A**

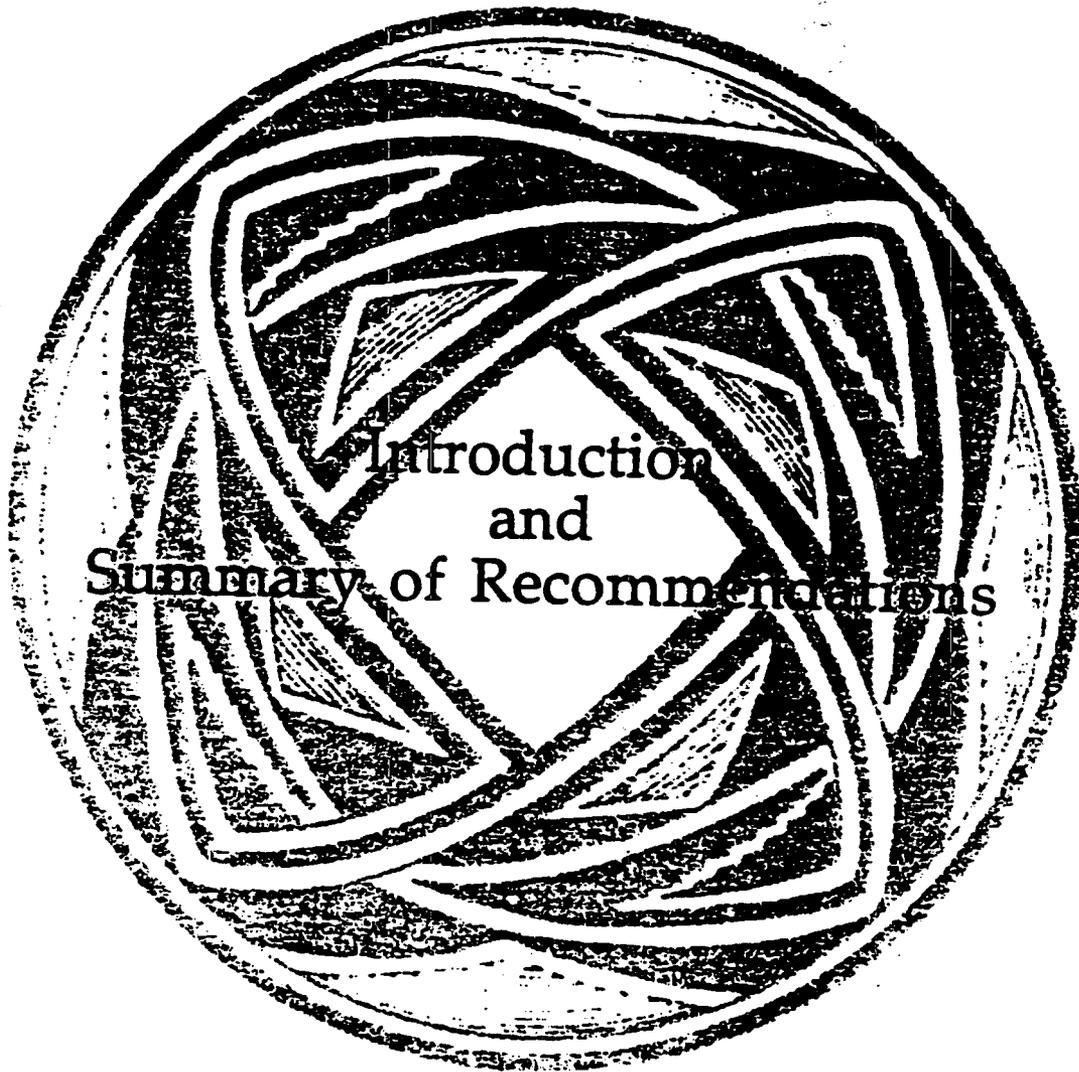
# **Highlights of the Report of the Task Force on Children and Families in the Families in the Courts, Study of a Unified Family Court System**

Report of the Task Force on



CHILDREN  
AND FAMILIES  
IN THE COURTS

COMMISSION ON THE COURTS  
PHOENIX, ARIZONA  
APRIL, 1989



Introduction  
and  
Summary of Recommendations

## INTRODUCTION

This report is based on the collective expertise of the full Task Force on Children and Families in the Courts. The recommendations were prepared from a distillation of committee meeting discussions, presentations by local and national experts, intense analysis and group examination, and response from the community through a series of public hearings held around the state.

Three goals directed our work:

- 1) To identify and create options which will allow the courts to be more effective and flexible in their ability to solve problems;
- 2) To facilitate the courts' ability to meet the needs of children and families; and,
- 3) To examine and recommend alternatives to court action where children and families are involved.

Every effort was made to streamline overlapping issues, but occasionally they could not be so easily compartmentalized. For example, the recommendation on public education is a sweeping issue which affects judicial employees as well as the community, children, and families in the areas of dependency, delinquency and domestic relations. And training in legal and non-legal aspects of juvenile and family law applies to all judicial officers who may hear such matters and to attorneys who practice juvenile and family law.

The recommendations presented in this report reflect our mission statement and goals. While we limited our concerns to those which could most productively be examined within our charge, this by no means reflects a lack of concern about other issues affecting youths and their families. We recommend that the Arizona Supreme Court support the study of the following in a future forum:

- The policies and practices for insuring equal treatment of all individuals in the juvenile justice system. This study should include recommendations to impact the over-representation of minority offenders, as well as the under-representation of minority professionals working at all levels within the juvenile justice system.
- The emancipation process and other solutions to the problem of homeless youth and their inability to access medical, educational and social services without having to become involved in the dependency process.

Each recommendation contains a section on essential elements and on implementation. Many of the elements are interdependent and conditioned upon legislative action, rule change, and cooperative efforts between the executive branch and the judiciary. We did not shy away from proposals that required increased funding, emphasizing that the quality of resources is as important as the quantity. It is our hope that the agencies and organizations given a key or ancillary role in this report will affirmatively support the Arizona Supreme Court's efforts to implement the recommendations.

## SUMMARY OF RECOMMENDATIONS

	See page
1. The Arizona Supreme Court should encourage and promote the development of expertise in juvenile law among law students, attorneys, and the judiciary.	5
2. Changes should be made in the dependency process to improve the timeliness and the effectiveness of decisions and, where possible, eliminate the need for direct judicial involvement.	25
3. Courts should develop education programs to inform the community, parents and children of their rights, court procedures, the organization and responsibilities of the judicial system, and the roles of key actors in juvenile and family matters.	35
4. The Arizona Supreme Court should advocate for the development and funding of a social service system to meet the needs of children and families who for lack of services become part of the court system.	39
5. The merits of creating a unified family court system to hear all matters pertaining to children and families, should be studied for possible application in Arizona.	43
6. Intervention determination should be required on temporary support, temporary custody, and visitation issues in every dissolution and separation proceeding immediately following the service of the petition on the respondent. The court should assist in the development of stable, working relationships between family members as they attempt to reconcile or proceed to dissolve the union.	47
7. Courts should provide a more concerted, cohesive and concentrated effort to protect the victims of domestic violence. The supreme court should develop policies and procedures and promulgate rules which serve to deter domestic violence in families before the court as well as in those cases in which domestic violence may result from the court's intervention into the family.	53
8. Statutes impacting children and families should be consolidated into an Arizona Family Code.	63
9. A youthful offender program should be developed as a sentencing alternative for juvenile offenders who have been transferred to and convicted in adult court.	71
10. A broad range of community-based and institutional treatment resources should be developed for juveniles at risk as well as juvenile offenders. The system should emphasize crime prevention and should provide assistance to youth and their families at the earliest time and in the least intrusive manner possible.	79

## STUDY OF A UNIFIED FAMILY COURT SYSTEM

### A. SUMMARY OF PROPOSAL

The merits of creating a unified family court system to hear all matters pertaining to children and the family should be studied for possible application in Arizona.

### B. PROBLEM STATEMENT

Family and juvenile matters consume a significant amount of the court's time in the superior courts of this state. In Arizona, a separate juvenile court and a specialized domestic relations division, presided over by superior court judges, are maintained in the two major metropolitan areas of Maricopa and Pima Counties. In the less populous counties, where the superior court consists of only one or a few judges, children and family law proceedings are handled by the judges in addition to their other caseloads. Collectively, Maricopa and Pima Counties account for 69% of the state's juvenile cases and 75% of all domestic relations cases.

Some attorneys who practice in the domestic relations divisions in Maricopa County have expressed frustration over the increasing overlap of jurisdiction between domestic relations and juvenile dependency, especially where there is an allegation of sexual abuse of a child being made in both jurisdictions. Other frustrations expressed include a lack of resources to deal with family issues, the inconvenience of having to be in two or more places to deal with similar issues, delay in resolving issues, the apparent inconsistency and confusion from findings and orders made, and the lack of judicial efficiency.

It is thought by some that a unified court system would resolve these frustrations by allowing one judge to hear all family related matters, including divorce, dependency, termination of parental rights, guardianship, adoption, all criminal matters, non-support, welfare, and intra-family torts issues. The proponents of a unified family court concept argue that consolidation of all juvenile and family related matters in one court or division will improve judicial efficiency. They also contend that it would minimize jurisdictional overlap, reduce court delays and provide more uniform treatment of litigants by ensuring more consistent court orders.

On the other hand, the opponents of the unified family court concept believe that creating such a system would not "fix" anything. They believe that the separation of the jurisdiction is healthy because it allows each issue to be focused on without the distraction of some other issue simultaneously presented. In particular, it is felt that children's issues would suffer if they have to compete with other "adult" issues. They believe that the creation of such a system in hope of increasing effi-

ciency would, in reality, create an unnecessarily complex and administratively nightmarish system which would soon burn out any conscientious judge assigned to it. The opponents believe that the domestic relations divisions and the juvenile court system are at present considered among the best in the country and that more cooperation and communication, rather than consolidation, will bring about the improvement needed.

Finally, social service agencies and other resources which have traditionally served either juvenile or domestic relations courts may encounter problems in coordinating their services to avoid duplicative efforts, resulting in case delays.

### C. EXPERIENCE OF OTHER JURISDICTIONS

During the past two decades, a number of states and national standards groups have studied ways to unify the domestic relations and juvenile divisions of the court. One approach is the establishment of a family court, a division or section of the trial court of general jurisdiction. The concept of a structured family court division has been recommended by all national standards groups -- National Advisory Committee for Juvenile Justice and Delinquency Prevention (1980), the National Advisory Committee on Criminal Justice Standards and Goals (1976), the American Bar Association Standards of Judicial Administration (1976), the U.S. Department of Health, Education, and Welfare (1975), and the National Advisory Commission on Criminal Justice Standards and Goals (1973).

While national standards groups have recommended family courts, separately organized family courts of statewide jurisdiction can be found only in Delaware, New York, Rhode Island, and South Carolina. Hawaii, District of Columbia, and New Jersey have a family court that is a division of the state's highest general trial court. Some other states have consolidated family related judicial matters in a single court or division without the name. The need for a family court is still being examined by some states, including California, Florida and Michigan.

The states of Delaware, New Jersey, Rhode Island, and South Carolina conducted studies which indicated that their family courts have resulted in a faster docket, and the quality of judges and the quality of decisions were improved. Reasons cited for the successful implementation of the Hawaii family court include clear and concise legislation, judicial continuity, efficient court administration, a statewide management mechanism and accessibility of fiscal resources.

But a family court is not a panacea as evidenced by a study conducted in Cook County, Illinois in 1984 and a 1988 study in Jefferson Parish, Louisiana by the National Center for State Courts. The Cook County study found no compelling reasons to change their present system and instead felt that implementation

of the family court model would lead to overburdening the present system, diluting existing services and creating a bureaucratic nightmare.

The National Center for State Courts' study for the Jefferson Parish District Court indicated that the idea of a unified family court should be rejected because of poor judicial support for its creation.

#### **D. ESSENTIAL ELEMENTS**

A study should be conducted to determine just what problems may exist related to the separation of children and family issues in various divisions of the court; what problems the creation of a unified family court system would solve and what problems such a system would create; and should examine alternate approaches to court organization and alternatives to solving the problems identified within the present system, such as through the use of increased communication, cooperation and new procedures.

The study should include an assessment of:

- Constitutional, statutory and other legal questions of jurisdiction and judicial procedures;
- Judicial support;
- Administrative issues, such as
  - staffing and personnel
  - fiscal impact
  - administration
  - facilities and space management
  - automation and management information
  - caseflow management and operating procedures
  - court reporting
- Impact on social service agencies and other resources available to the court; and
- The particular effect on the court system in each county.

#### **E. IMPLEMENTATION**

The supreme court should create a committee, made up of representatives from all agencies and court divisions affected, to conduct a study to determine the feasibility of creating a unified court system in Arizona.

## F. SELECTED REFERENCES

- Edward, Leonard, "The Relationship of Family and Juvenile Courts in Child Abuse Cases," Conciliation Courts Review (June, 1988).
- Gordon, William C., "Establishing a Family Court System," Juvenile Justice, XXVIII (November, 1977).
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- Himes, J. Fraser and Feder, R., "Family Law System: Indictment from Within," Florida Bar Journal (November, 1987).
- Hurst, Hunter, "Remarks on Family Courts," paper presented at Southern Legislators Conference on Children and Youth (November, 1981).
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- Rubin, Ted H., Juvenile Justice: Policy, Practice and Law, Goodyear Publishing Company (1979).
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**Appendix B**

**Administrative Order 97-54**



2. **MEMBERSHIP:**

The membership of the Committee is attached as an Appendix. The Chief Justice or the Chair of the Committee may appoint additional members as may be necessary.

3. **MEETINGS:**

Meetings shall be scheduled at the discretion of the Committee chair. All meetings shall comply with the Open Meeting Policy of the Arizona Judicial Department.

4. **REPORTS:**

The Committee shall submit an interim report of its findings and recommendations to the Arizona Judicial Council in June 1998, and a final report in October 1998. Other periodic reports of the deliberations of the Committee also may be made at regular meetings of the Council as deemed appropriate by the Committee.

5. **STAFF:**

The Administrative Office of the Courts shall provide staff for the Committee and, as feasible, may conduct or coordinate research as requested by the Committee.

Dated this 22<sup>nd</sup> day of October, 1997.

  
THOMAS A. ZLAKET  
Chief Justice

APPENDIX

COMMITTEE ON FAMILY COURT

Members

Co-Chairs

Hon. Barry Schneider, Presiding Domestic Relations Judge  
Superior Court in Maricopa County

Hon. William J. O'Neil, Presiding Juvenile Court Judge  
Superior Court in Pinal County

Bench Representatives

Hon. Fred Newton  
Superior Court in Coconino County

Hon. Maurice Portley, Associate Presiding Juvenile Judge  
Superior Court in Maricopa County

Hon. John M. Quigley  
Superior Court in Pima County

Other Court Representatives

Fred Mitchell, Ph.D., Director  
Family Center of the Conciliation Court  
Superior Court in Pima County

Don Shaw, Director of Juvenile Court Services  
Superior Court in Pima County

Noreen Sharp, DR/SSC Administrator  
Superior Court in Maricopa County

Hon. Judith E. Allen  
Clerk of the Superior Court  
Maricopa County

Brenda L. Parson, Chief Deputy  
Clerk of the Superior Court  
Yavapai County

Probate

Hon. Margaret M. Houghton, Presiding Probate Judge  
Superior Court in Pima County

Administrative Office of the Courts

Mary Lou Quintana, Division Director  
Dependent Children's Services

Community and Advocacy Groups

Michelle Hallett, Executive Director  
Arizona Coalition Against Domestic Violence

Carol Kamin, Executive Director  
Children's Action Alliance

Academic

Professor Ira Ellman  
Arizona State University

Professor Clay Dix  
Arizona State University

Professor David Wexler  
University of Arizona

Attorney/Bar

Judy M. Miller, Attorney at Law  
Member of the Family Law Section of the State Bar of Arizona

Jo Ann Zirkle, Assistant Attorney General  
Chair of the Juvenile Law Section of the State Bar of Arizona

Representative of the Office of the Attorney General

Kim Gillespie, Assistant Attorney General

Community Leader

Marty Schultz  
APS

Mental Health Professional

Dr. Brian Yee

Medical Professional

Dr. Sara Park  
Pediatrician

Clergy

Pastor John Neuson  
Greater Shiloh Missionary Baptist Church

Rabbi Kenneth Segal  
Temple Beth Israel

County Attorney's Office

Rick M. Romley  
Maricopa County Attorney

Jerry DeRose  
Gila County Attorney

Members to be Appointed:

Representative(s) of the Governor's Office  
Representative(s) of the Senate  
Representative(s) House of Representatives

###

## FAMILY COURT COMMITTEE

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**Appendix E**

**Workgroup Study Matrix**

**ARIZONA SUPREME COURT  
FAMILY COURT COMMITTEE  
WORKGROUPS**

It is the charge of this committee to study the family court concept for Arizona's children and families. All workgroups should study current systems, the advantages and/or disadvantages of applying the family court concept to current systems, and other possible methods of improving the current systems.

COURT SYSTEM	JURISDICTION	CASE PROCESSING/RESOURCES	LEGISLATION/RULE
<p>Structure</p> <ul style="list-style-type: none"> <li>• Division of superior court</li> <li>• Separate trial court with limited jurisdiction</li> <li>• General jurisdiction court</li> <li>• Trial court of limited jurisdiction at a lower level</li> <li>• Combination of existing superior and limited jurisdiction courts</li> <li>• Recognition of importance and status of the court</li> </ul> <p>Cost</p> <p>Facility - central or multiple</p> <p>Judicial rotation</p> <p>Judicial specialization</p> <p>Training</p> <p>Urban vs. Rural (county by county or statewide)</p>	<p>Domestic Relations</p> <ul style="list-style-type: none"> <li>• Dissolution               <ul style="list-style-type: none"> <li>- Divorce</li> <li>- Separation</li> <li>- Annulment</li> </ul> </li> <li>• Spousal Support</li> <li>• Child Custody</li> <li>• Interstate Custody</li> <li>• Visitation               <ul style="list-style-type: none"> <li>- Establishment</li> <li>- Modifications</li> </ul> </li> <li>• Child Support               <ul style="list-style-type: none"> <li>- Establishment</li> <li>- Modification</li> <li>- Enforcement</li> </ul> </li> <li>• Paternity</li> <li>• Child Abuse and Neglect</li> <li>• Termination of Parental Rights</li> <li>• Adoption</li> <li>• Guardianship</li> <li>• In Loco Parentis</li> <li>• Consent to Marriage by Minors</li> </ul> <p>Domestic Violence</p> <ul style="list-style-type: none"> <li>• Order of Protection</li> <li>• Civil v. Criminal (should they separate or joined)</li> <li>• Spousal Abuse</li> <li>• Child Abuse</li> <li>• Elder Abuse</li> </ul> <p>Juvenile Delinquency</p> <p>Motor Vehicle Offenses of Minors</p> <p>Mental Health</p> <ul style="list-style-type: none"> <li>• Civil Commitment and Confinement</li> </ul> <p>Legal Medical Issues</p> <ul style="list-style-type: none"> <li>• Right to Die</li> <li>• Abortion</li> <li>• Living Wills</li> </ul> <p>Emancipation</p> <p>Name Change</p> <p>Management of Minor's Funds</p>	<p>One Judge - One Family Management Tasks</p> <ul style="list-style-type: none"> <li>• Judicial</li> <li>• Court Staff</li> </ul> <p>Improved Services</p> <p>Empowerment/responsibility of court personnel to refer cases to proper service or place on the judicial calendar</p> <p>Alternative Dispute Resolution</p> <ul style="list-style-type: none"> <li>• Negotiation</li> <li>• Arbitration</li> <li>• Mediation</li> <li>• Joint Petition Process</li> <li>• Other informal processes</li> </ul> <p>Social Services</p> <ul style="list-style-type: none"> <li>• Direct or Referral</li> <li>• Assessment and Evaluation Services</li> <li>• Counseling Services/Treatment Programs</li> <li>• Volunteer Services</li> <li>• Community Outreach Services</li> <li>• Family Support Services</li> <li>• Juvenile               <ul style="list-style-type: none"> <li>- Restitution</li> <li>- Probation</li> <li>- Diversion</li> <li>- Detention</li> </ul> </li> </ul> <p>Quick Court</p> <p>State-wide computer database</p>	<p>Court System Jurisdiction</p> <p>Court Processes</p> <p>Policy/Administrative Order</p> <p>Constitutional Amendment</p> <p>Evidentiary Rules</p>

**Appendix F**

**Court Systems Workgroup Report**

## COURT SYSTEMS WORKGROUP INTERIM REPORT

The Family Court Committee established the Court Systems Workgroup on November 25, 1997. The workgroup was charged to study the family court concept in relation to Arizona court systems, the advantages and disadvantages of applying the family court concept to current systems, and other possible methods to improve cases involving families and children.

The fifteen members of the workgroup, nominated by committee members and chosen by the committee co-chairs, are diverse. The membership consists of Superior Court judges and court administrators from both rural and metro counties, members of the Attorney's General Office, a domestic violence advocate, an attorney, a member of the AOC Court Services Division, a minister, and a psychologist.

The current topics under consideration are based on two family court studies: The first study, *Fashioning an Interdisciplinary Framework for Court Reform in Family Law: A Blue Print to Construct a Unified Family Court*, Barbara A. Babb, Assistant Professor, University of Baltimore School of Law, and the second study "*Family Courts" An Effective Judicial Approach to the Resolution of Family Disputes*, Robert W. Page, Presiding Judge, Family Part, Superior Court of New Jersey, *Juvenile and Family Court Journal*, 1993, Vol. 44, No.1. are not only extremely relevant to all four workgroups, but comprehensive.

### Court Systems Workgroup Topics

- Structure
  - a division or department of the superior court,
  - a separate trial court with limited jurisdiction,
  - a general jurisdiction court,
  - a trial court of limited jurisdiction at a lower level,
  - or a combination of existing superior and limited jurisdiction courts?
- Recognition and status of the court
- Cost
- Facility
- Judicial rotation
- Judicial specialization
- Training
- Issues of urban vs. rural requirements

To assist in the discussion, the workgroup reviewed documentation from two of the more successful family courts in the United States, New Jersey, established in 1984 and Rhode Island, established in 1961.

The essential element of the family court concept is allowing judicial officer access to the family's current and prior case information. For example, a court needs to be alerted to any

order of protection that may exist or a prior child abuse case involving a parent or relative now seeking an award of custody in a non-dissolution case.<sup>1</sup> The information would assist the judge to manage the case efficiently. Moreover, the access to information would allow the judicial officer to make informed decisions regarding the multiple legal needs that can arise in a family.

The workgroup recommends information sharing both via a statewide automated database and communication between judicial officers. This may be more important in larger than in the smaller counties. The smaller counties already are, in essence, family courts using the one judge-one family concept and/or information sharing and close communication between a limited number of judges. This information should flow between Domestic Relations, Juvenile, Probate, Municipal, and Justice Courts.

The needs of Maricopa and Pima Counties will differ from those in Pinal or Santa Cruz Counties, so the family court will look different depending upon whether the county is rural; larger, rural non-metro or metro. Therefore, implementation decisions should be left to the local Superior Courts

In reflecting upon functionality and the recognition and status of the family court, the workgroup unanimously agreed that the family court, if established in Arizona, should be a division or department of the Superior Court with general jurisdiction. The notion of a family court suggests a separate court or a separate division of a state court of general jurisdiction that exercises comprehensive subject-matter jurisdiction over all legal issues related to children and families.<sup>2</sup>

Family court should integrate functions of Domestic Relations, Juvenile's civil and delinquency, Adoption, and Probate's guardianship of minors and conservatorship. The workgroup members view children as the focus of the family court, therefore most functions related to children should be integrated.

We should use existing facilities and not necessarily have separate facilities. This combined with information sharing would create a "virtual" family court, a court without walls. By keeping the family court in the Superior Court building, recognition and stature are maintained. While considering family court costs, one must acknowledge the additional costs of locating the courts in one facility and upgrading and rearranging staff and judges, especially for the larger counties. With respect to the location of facilities it is not required that the issue of either one

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<sup>1</sup> Source: *New Jersey's Family Division White Paper*, March 1, 1993 Version, Pg.23.

<sup>2</sup> Source: *Fashioning an Interdisciplinary Framework for Court Reform in Family Law: A Blueprint to Construct a Unified Family Court - Draft*, Barbara A. Babb, Pg. 13.

<sup>3</sup> The Future and the Courts Conference noted that courts of the future could be linked at one central point through technology. Dator & Rodgers, *The Future and the Courts Conference*, (Exec. Summ.) P. 17, Nov. 1990.

central vs community locations be resolved in order to establish a family court, if the costs of relocation would be prohibitive. With today's technology, multiple facilities can be linked by computer or other electronic systems.<sup>3</sup>

The workgroup recommends that a committee be established by the Supreme Court to study domestic violence as a specialized court. Domestic violence is a specialized body of knowledge requiring specialized training to address this issue appropriately. Domestic violence cases are further complicated by the diversity, decentralization of the courts, and lack of resources available to provide public defenders.

Continuing discussions regarding the need to change the perception and status of the domestic relations and juvenile courts thus far have yielded suggestions from the workgroup that included: standards and accountability for judicial officers, lawyers, and professionals; making family court a judicial specialty; requiring specialized training for judges, lawyers, and professionals; and promoting a higher level of professionalism.

Future areas for discussion by the workgroup include cost, judicial rotation, judicial specialization, training and urban vs. rural issues.

**Appendix G**

**Jurisdiction Workgroup Report**

**TO:** Hon. Barry Schneider  
Hon. William J. O'Neil, Co-Chairs  
Committee on Family Court

**FROM:** Jurisdiction Workgroup, John M. Quigley, Chairman

**DATE:** April 21, 1998

**RE:** **REVISED PRELIMINARY REPORT OF JURISDICTION WORKGROUP**

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The Jurisdiction Workgroup of the Committee on Family Court has met and discussed in broad terms the jurisdictional aspects of family issues in the Courts of Arizona under the terms of the Supreme Court's charge set forth in Administrative Order 97-54 dated October 22, 1997. The Workgroup then had a further meeting subsequent to the meeting of March 17, 1998 at which our draft Preliminary Report dated March 12, 1998 was presented to the entire Committee. This further meeting was held to clarify certain matters in the draft report. The following report does now indeed represent a full consensus of the membership of the workgroup.

In approaching its task, the Workgroup first focused on the obvious difference between the concept of "Family Law" as opposed to "Family Court." Since our basic charter was to consider the appropriate jurisdictional parameters and/or subject matter assignments for any family court plan that might be proposed for Arizona, the Workgroup was first interested in finding a common denominator for the broad subject of family law. The following general conclusions were reached:

- The common thread holding the fabric of family law together is clearly the need to identify, provide for and protect the interests of minor children.
- Any recommendations for changes or improvements to enhance the ability of the legal system to serve the needs of families and children must include a careful study of how the Courts and social service agencies with which they interact can improve the sharing and exchange of information available within the system. While the One Judge/ One Family concept may prove to be unrealistic or unattainable, it is born of a recognition that the present systems suffer from serious shortcomings in this vital area.
- To the extent that the resolution of various family issues may always require some degree or form of litigation, our goal should be both to minimize it as well as to humanize it.

The Workgroup did not start with the assumption that some type of Family Court structure will or should be established in Arizona. While there was a significant feeling that such result might well come to pass, the members believed that this is the ultimate determination or recommenda-

## REVISED PRELIMINARY REPORT OF JURISDICTION WORKGROUP

Page 2

tion to be made by the Committee on Family Court as a whole. Should this be the case, the Workgroup offers the following suggestions:

- A free-standing, separate Family Court is neither realistic nor desirable. If created, Family Court should exist as a division of the Superior Court.
- Further attention should be given to the training, education and assignment rotation of judicial officers dealing with family issues.

If it should ultimately be determined, however, that the Family Court concept is not right for Arizona, then at a minimum the Committee on Family Court's recommendations to the Supreme Court should address the interfacing between Domestic Relations law (generally Title 25), Juvenile Law (generally Title 8), and the Title 14 provisions dealing with guardianship of minors and the significant jurisdictional anomalies that currently exist in these areas of family law.

In its final meeting, the Workgroup revisited and carefully examined the wisdom of including Juvenile Delinquency cases in the matters to be considered for assignment to a Family Court. Under current law, it is mandatory that serious violent offenses committed by minors 15 and older be filed in adult court; the County Attorneys of the various counties have considerable discretion to file in adult court against minors 14 and over who are charged with certain serious violent offenses or who are chronic offenders. With these limiting considerations in mind, the consensus of the Workgroup is that the following areas of substantive law would be appropriate to include within the subject matters assigned to the jurisdiction of a Family Court Division of the Superior Court:

### **Domestic Relations**

- Dissolution
  - Divorce
  - Separation
  - Annulment
- Conciliation and Mediation
- Spousal Support
- Child Custody/Interstate Custody
- Visitation
  - Establishment
  - Modification
  - Enforcement
- Child Support
  - Establishment
  - Modification
  - Enforcement
- Paternity

### • Adoption

- In Loco Parentis
- Consent to Marriage by Minors
- Guardianship of Minors** (exclusive of property issues/conservatorship)

### **Domestic Violence**

- Orders of Protection
- Civil Enforcement Only
- Juvenile Delinquency** (not including civil traffic offenses of minors)

### **Dependencies and Severances**

- Termination of Parental Rights
- Child Abuse and Neglect

### **Emancipation of Minors**

### **Juvenile Mental Health**

- Civil Commitment
- Confinement

**Appendix H**

**Court Processes/Resources Workgroup  
Report**

## Family Court Case Processes Resources Workgroup Interim Report

After much research and discussion, the Case Processes/Resources workgroup of the Family Court are confident in making the following recommendations to the Family Court Committee of the whole. The recommendations for consideration include suggestions on Arizona Family Court Processes and additional issues relevant to the work of a Family Court that the Committee should continue to think about. Additionally, the memo prepared by Michelle G. Corse, Judge Schneider's Law Intern on Family Court "Triage" systems was considered ideal with a few additions to be incorporated within this interim report. Michelle's memo is attached.

### Arizona Family Court Processes

- ✧ Family Court should not be a separate stand-alone court, but should have jurisdiction over Domestic Relations, Probate, Juvenile, and other family related case types.  
Probate = guardianship  
DR Issues = custody, visitation, dependency, delinquency, guardianship  
Domestic Violence = elder abuse, injunctions against harassment, orders of protections
- ✧ Implement "One judge, one family" concept.
- ✧ Family Court should eliminate duplication of services, which should create a cost effective environment and offer a more efficient and practical way of dealing with family problems.
- ✧ Processes to be adopted should be mindful of budgetary constraints and should allocate the resources to families that truly need them.
- ✧ As proceedings typically handled in a traditional Juvenile Court are usually brought to court by the state and Domestic Relations issues are usually brought by the parties, state driven proceedings may require different kinds of intervention and high levels of expertise. A Domestic Relations case, brought by the parties, may upon motion of the court, subject to criteria and procedure to be established, be turned into a dependency proceeding.
- ✧ Processes should be developed that allow relatively simple or uncontested proceedings to pass through the system early so that our resources are more effectively applied to the cases that need attention.
- ✧ Parties to a case (including defaulting party) should be informed by agents of the court about available resources.
- ✧ An education and ex-parte establishment of child support orders component should be considered as available Family Court processes.

- \* A telephone hotline should be made available to answer questions relative to dissolution concerns.

### Family Court Judges

- \* A judge assigned to the Family Court should be given the clear authority to move between concepts (i.e.: change from a DR proceeding to a traditional juvenile court proceeding), without having to reassign the case to a different judicial officer.
- \* The Judge selection process should be handled carefully. Background and interest in the assigned area is important. However, candidates who may not have training in a specific area but bring new energy and a new outlook should be considered. No reason why someone with background as well as someone with new energy should not be considered.
- \* The assignment to Family Court will be more attractive to Judges because of the variety of areas of concentration. Perhaps a presumptive minimum rotation of five (5) years should be considered.
- \* Ideally the Family Court Judge would have much more general jurisdiction and do it all. Family Court Judges will need extensive and enhanced training in Domestic Relations and other areas that will be managed by the Family Court. Judges will need to have knowledge of division of property, spousal maintenance and children's issues in order to effectively carry out their daily duties.
- \* Selected Judges should be open to using mental health services in order to reach therapeutic resolution as opposed to a litigated resolution.

### Triage Processes

- \* A "Triage Process" should be developed that would consist of a competent, well-trained team. This team would be skilled in specific areas of assessment, and distinguish between differing legal needs. The triage professional or team would map out perceived needs of litigants on an individual basis, and identify the appropriate resources to be applied to the individual case.
- \* There may need to be a distinct triage process for each kind of issue (e.g.: legal and factual issues, visitation/custody, legal dependency issues, etc.). A visitation/custody dispute will enter the court differently from a dependency or delinquency proceeding.
- One cover sheet should be created for initial screening that would determine the level of priority for each case (e.g.: Triage-priority-non priority).
- \* A safety valve should be built into the system in order for parties to buy in. Parties will need to have access to a Judicial Officer if they are unhappy with the findings of the triage team.

- \* The Family Court should facilitate the utilization of a Differential Caseflow Management system.

### Items For Further Thought and Consideration

What can court personnel, caseworkers, therapists advise litigants?

- *Can we advise that it is in a party's best interest to terminate the relationship by filing for divorce*
- *Can we tell a party that unless they file, for example, for divorce, they run the risk of financial ruin*
- *Would it be feasible to add componenet to Parent Education Program that might address several additional areas that may be helpful to litigants*
- *Could the Family Court encourage or urge, on an as needed basis, people in crisis (e.g. divorce, visitation/custody, paternity cases) to attend therapy, counseling, and/or educational programs*

Who pays for services that may be helpful to litigants?

- *Does the litigant pay*
- *If the litigant is indigent and cannot pay, are fees waived and does the court bare the expense*

How do we involve outside providers?

- *How are they paid*
- *Do we need to enact legisilation that will authorize the court in the appropriate circumstances with appropriate procedural safeguards, to order parties to pay for outside services*

### Additional Topics For Future Consideration

Geneal ideas about facilities (e.g. children's play area)

Increase use of resources such as Alternative Dispute Resolution services

Creation/modification of forms in order to create a user-friendly system

Possible creation of a Policy Statement on triage related issues.

Dated: 4/13/98

**Appendix I**

**Legislative/Rule Workgroup Report**

**REPORT OF THE LEGISLATIVE/RULES WORK GROUP  
OF THE  
COMMITTEE TO STUDY FAMILY ISSUES IN THE SUPERIOR COURT**

The fundamental task of the Legislative/Rule Work Group is to consider what, if any, existing regulatory mechanisms may require elimination, enhancement or amendment in order to implement the family court model recommended by the full Committee. The universe of these mechanisms potentially includes constitutional mandates; state statutes; procedural and evidentiary rules, both uniformly applicable statewide and effective only locally; and other policy guidelines. It is significant to the consideration that the model envisioned by the Committee is a that of a "virtual" family court having county-specific characteristics.

Just as the larger Committee did not attempt a detailed description of the family court model, the Work Group concluded that at this phase, specific statutes, rules or other mechanisms need not be identified for change. Instead, a conceptual outline was developed to address major decision items. Should the Committee's recommendation for establishment of a family court be accepted, further study would be merited.

The Work Group recommends the following for immediate implementation:

- **Develop statewide rules of procedure for family court, distinct from but embodying relevant portions of the present Arizona Rules of Civil Procedure, Rules of Procedure for the Juvenile Court and Arizona Rules of Evidence.**

Analysis suggests that while some changes to existing statutes may be required, the family court model recommended by the Committee may operate within the existing statutory scheme for jurisdiction and operation of the superior court. However, the nature of family cases and the overriding goal to eliminate wherever possible the adversarial nature of court processes, suggests a separate set of rules and procedures for operation of the family court should be developed. Current rules generally applicable to civil cases assume a conflict-driven system that adopts litigation rather than problem solving as the dispute-resolution model. This is destructive to families. Also, the civil procedural rules largely are designed around the premise that, absent an appeal, a case will terminate after judgment is rendered. In contrast, family cases usually involve financial, property or child-related issues that maintain interaction of the parties. The court routinely remains involved in dispute resolution. Lastly, parties to civil litigation typically retain legal counsel, whereas in a large percentage of family cases one or both of the parties are unrepresented. Existing civil procedural rules are complex and often difficult for self-represented persons to understand and apply.

Because the family court will integrate domestic relations, juvenile and perhaps some probate (guardianship of minors) case functions, the new rules should merge existing rules where applicable. However, consistent with recommendations of the Committee, the overall structure should promote efficient, cost-effective settlement and resolution of family disputes in a conciliatory and non-adversarial manner. Cases should proceed with the minimal use of court time and resources, narrowing and settling the issues at every stage of the proceedings. To the extent possible, the rules should prioritize alternative dispute resolution (ADR) mechanisms that emphasize problem solving. Traditional litigation processes should be discouraged or at least suspended until ADR modalities such as negotiation and mediation are allowed to operate. The new rules should tailor existing ADR programs to family cases. This should be coupled with early intervention of the appropriate level of remedial court and social services programs. (The recently-enacted Model Court Program (Laws 1998, Chapter 276) offers an example of a sensitively crafted case management scheme embodying these characteristics.) Additionally, evidentiary and discovery rules should be simplified, in recognition of the uniqueness of family cases and the frequency of unrepresented parties.

- **Appoint a blue ribbon committee to develop the family court rules and identify specific statutory changes that may be required to implement the family court.**

Development of distinct rules for family court extends beyond the charge of the Committee and will entail significant time and effort. This task is best suited to a specially-appointed body of diverse composition representing, among others, various segments of the legal, court, and mental health communities. Also to be identified are changes and/or additions to state statutes that may be necessary for the family court to function. (As an example, an amendment to A.R.S. § 8-202(A) may be necessary to address the jurisdictional authority to decide certain juvenile cases.) However, to the extent possible, family court should be established through the administrative authority of the Supreme Court and of presiding judges in each county. The Work Group also recommends review of the current statutes governing conciliation court (Title 25, Chapter 3, Article 7 of the Arizona Revised Statutes).

- **The presiding judge in each county should appoint a design group to study and begin planning the administrative and information sharing/automation processes required to integrate family court functions (i.e., juvenile, domestic relations, guardianships of minors and protective orders) into an integrated family court, as well as a methodology for use and integration of court and social services.**

**TABLE 3:**

States that do not have court systems labeled "Family Courts" but have actively considered in the 1990's problems related to the coordination of family cases and the feasibility of family courts as a solution.

	Legislation	Legislative Committee	Executive Committee	AOC or Supreme Court	Specific District/Circuit
AZ					✓
CO	✓			✓	✓
GA	✓				
IN		✓	✓	✓	
KS	✓				
MT		✓			
NE	✓				
NC			✓		
OH			✓	✓	
UT				✓	
VA	✓				

**TABLE 1:**

States that support state-wide systems of a court structure that is labeled "Family Court."

At a minimum, family court jurisdiction includes:			
	Juvenile and Domestic Relations	Juvenile, Domestic Relations, and Parts or all of Probate	Juvenile, Domestic Relations, Parts or all of Probate, and Some Adult Criminal Jurisdiction
CT	✓		
DC		✓	
DE			✓
HI			✓
NJ			✓
RI			✓
SC		✓	
VT		✓	

**Notes concerning five other state-wide family court efforts that defy classification:**

Michigan passed legislation in the fall of 1996 to establish family divisions in the circuit courts of the state. The deadline for local compliance is January 1, 1998.

Since 1984 the California Administrative Office of the Courts has supported an Office of Family Court Services to coordinate court connected family mediation and conciliation services in California's 58 counties.

In 1991 the Florida Supreme Court issued an order for the Circuits of Florida to develop family divisions. The implementation of this order has varied greatly across the Circuits. A Family Court Project Steering Committee was established in 1994 to coordinate and inform the state wide effort to develop family courts.

Massachusetts supports a Probate and Family Court Department that has the typical domestic relations and probate jurisdictions.

New York State has a court state-wide called Family Court that includes all of the typical juvenile jurisdiction, part of the typical domestic relations jurisdiction along with parts of probate and some adult criminal jurisdiction; *however, the court lacks the critical family court jurisdiction over divorce.*

**TABLE 2:**

States that have a court structure labeled "Family Court" in specific districts/circuits or have statutes that authorize the creation of a structure called "Family Court" in specific jurisdictions.

	Present	Sites under development or to be developed	Experiment Site(s) Established	Another name for a Juvenile Court	Another name for a Domestic Relations Court
AL				✓	
CA			✓		
FL	✓	✓			
IL	✓				
IN	✓				
KY	✓				
LA					✓
ME			✓		
MD		✓			
MI		✓	✓		
MN			✓		
MO*	✓				
MS					✓
MT			✓		
NV*	✓				
NH			✓		
OR*	✓				
PA	✓				
TX					✓
WA*	✓				

\* Missouri, Oregon, and Washington all support statutes that make the establishment of family courts a specific district/circuit option and Nevada requires it when a jurisdiction exceeds a certain total population mark.

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**Family Courts in the United States, 1996:  
Statute, Court Rule, and Practice Analysis**

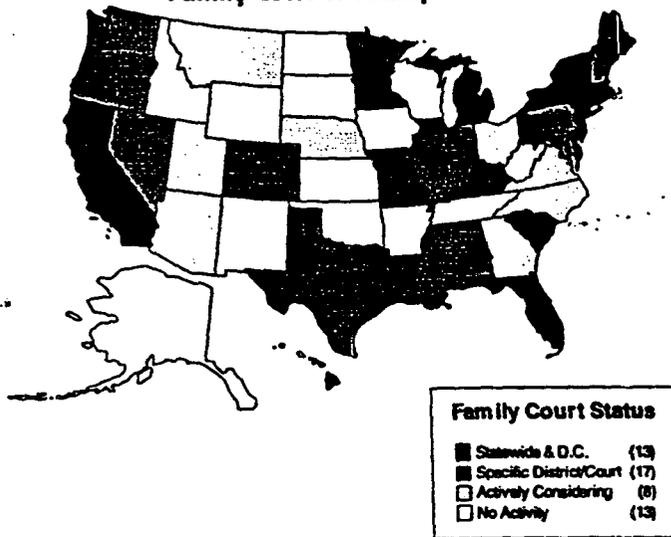
**Technical Assistance Monograph**

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## Family Courts in the United States

Hunter Hurst, Jr., Research Assistant, NCJJ

States with a Court Structure Labeled Family Court or Family Division



This map was produced to stimulate discussions of family case coordination in court systems and is supported by a legislative and rules analysis NCJJ conducted in 1996. The map analysis does not consider the hundreds of one-judge, rural courts that function as family courts. Nor does it consider combination "Juvenile and Domestic Relations Courts" that may resemble family courts in structure and may even function like family courts but are not labeled "Family Court" or "Family Division."

How many states have established a unified family court? This question is difficult to answer with a single number, matrix or map because "Family Court" can be defined both as a court structure and/or court function, and no two states that have addressed family case coordination in the justice system have adopted the same solution. The proliferation of court reform initiatives labeled "Family Court" in the 1990s (we count activity in over 20 states) has only increased the variance in approaches that bear the same label, "Family Court."

For example, "Family Court" is simply another name for a domestic relations court in some states, or a juvenile court in others, or even a specialized domestic violence docket or court in others. The national picture is further complicated by the tendency of jurisdictions to create a Family Court with comprehensive jurisdiction except for one essential element, such as delinquency (e.g., Louisville, Kentucky) or divorce (e.g., New York state) or to establish a state office of family court services to promote ideas often associated with Family Courts, like court-connected family mediation and conciliation services (e.g. California).

The only consistency among efforts referred to as "Family Court" across all the states is the common goal of improving court system performance in the interest of families. For this reason, certain court policy debates are often associated with the idea of a "Family Court." Some of these debates include:

- What is the definition of a family in the 1990s and what is a family case?
- Are families better served by one judge hearing all of their court-related matters?
- What are the benefits of specialization versus generalization (e.g., judicial rotation) in a family law system?
- What should court systems provide in the way of social service programs for families

(e.g., alternative dispute resolution mechanisms, *pro se* litigant centers, effective use of volunteers)?

- Is it in the best interest of families to administer family law at the community, county, district, or state level?
- What is the best way to measure court performance in family matters?
- In the area of family law, should courts focus on protecting the rights of individual family members or the family unit as a whole?
- What is the proper role of communication technology in court systems and how can it help to coordinate family cases?
- Should judges act as leaders/activists for family issues in their community?

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**Appendix J**

**Judicial Assignments: A Thoughtful  
Discussion**

It is anticipated that establishment of a family court must await resolution of various implementation issues, development of family court rules, possible legislative enactments and administrative determinations. In the interim, and to ensure an efficient transition if the family court is realized, a planning or design group should be established in each county to focus on the mechanics of information sharing, case management and support services. The design group also may consider training in the appropriate use and allocation of resources.

In addition to these principal recommendations, the following long-range goals should be considered:

- **Refer to The Domestic Relations Reform Study Subcommittee of the State Legislature consideration of further consolidation of statutes applicable to family cases.**

The Domestic Relations Reform Study Subcommittee was established in 1994 and charged in part to consolidate the states domestic relations laws. Legislation enacted in 1996, merged various sections of Titles 8 and 12 of the Arizona Revised Statutes into Title 12, entitled "Marital and Domestic Relations."

The Committee has recommended that a family court integrate and combine into one division/department of the superior court in each county the functions traditionally assigned to domestic relations, juvenile and, in some instances, probate. The Work Group discussed the potential benefit to attorneys, parties and the court in family cases that may result from consolidating laws applicable to these functions in a single part (title or chapter) of state law. Recognizing that such a consolidation should be thoroughly studied and evaluated for impact on, among other things, current rules, forms, practices and decisional authorities, the Work Group recommends that this issue be referred to the appropriate legislative committee for review.

- **Study how technology may be utilized to permit statewide information sharing among courts and agencies.**

The report of the Committee recognized that as a family court is established in each county it will be immediately important to apply available technology to automate information sharing and networking to facilitate case management and to permit informed decision-making. In our mobile society, important information about a family may be lodged in case files in various political subdivisions, or even states. It is therefore recommended that a study committee be established to consider how automated systems may be integrated or developed as well as what funding, statutes or agreements may be required to execute statewide information sharing.

**Appendix K**

**Domestic Relations Statistics**

The adoption of principles of rotation which are fair, predictable and supported by timely education and training would go a long way toward enhancing the professional competence of the superior court bench in Arizona.

RE: JUDICIAL ASSIGNMENTS: A THOUGHTFUL DISCUSSION

TO: JUDGES OF THE SUPERIOR COURT OF ARIZONA AND OTHER COLLEAGUES

FROM: HONORABLE MARGARET M. HOUGHTON, PRESIDING PROBATE JUDGE

Judges disagree about the value of frequent rotation (two to three years) versus specialization on the bench. Discussions regarding judicial assignments generally range from strongly-felt opinions about the need for specialization to equally strong stances regarding the efficiency of frequent rotation. Some jurisdictions have addressed the problem through the mechanism of specialized benches - you run for family court, you serve on family court. The Superior Courts of Arizona have not been organized in that fashion. Appointment or election to superior court makes a judge eligible to serve throughout the whole of the Superior Court's jurisdiction, with some special treatment for the juvenile court.

The family court committee, consisting of judges, lawyers, mental health and social workers and members of the community, has addressed the issue of judicial rotation in its discussions regarding the possibility of changing the organization of court services for family issues. One of the observations from jurisdictions who have experimented with a family court has been that the judge's training and experience is paramount, and that a five-year term allows the bench as a whole to reap the benefit of the investment. There are similar observations regarding the juvenile and probate courts. One cannot help but note the similarity between juvenile, family and probate work in that the judge's education and experience must be legal, psychological, sociological, and must incorporate an abiding interest in the health and well-being of families at various stages of their lives.

The argument for frequent rotation of judges through all assignments on the bench is supported as being good for the vitality of the whole bench. It addresses concerns such as judges becoming stale if they remain in an assignment too long, or that some assignments are more desirable than others, and that no one should be allowed to own an assignment. It is also argued that the anticipation of rotation is good for the judge's mental health and well-being, and that good judges can learn to do anything. I cannot disagree with the goals of frequent rotation, but I believe there is fallacy in the assumption that it in fact produces the intended good. One assumption inherent in the argument for frequent rotation is that there will be adequate educational opportunities before rotation or at the beginning of rotation so that the judge comes to the new assignment with the knowledge and skills required. This does not happen in Arizona at this time.

It is commonly understood that the domestic relations assignment has not often been perceived to be a choice position, so that short assignment with rapid rotation has been the carrot which has given the presiding judge the ability to fill that bench. On the other hand, there are judges whose

specialization in juvenile, domestic or probate gives them greater credibility with the members of the practicing bar. A judge with vast experience in an area is more likely to be able to conceive of and implement improvements on a specialized bench.

In the past, judicial assignment had often been reward or punishment, doled out by the presiding judge to friends or enemies. More recently, the pro-rotation forces have seen a higher good in frequent rotation, that being the professional growth of not only the individual judge, but the bench as a whole. Though one cannot always be sure of all of the reasons supporting an assignment, there has often been a perception that an assignment was a reward for friendship and support, a way of keeping a difficult judge in a position where he could do the least harm, a place to "park" a judge who was nearing retirement, to accommodate a judge who had some special needs, or because the judge was the best person for the position. The latter is often seen in the assignment of administrative positions, i.e., the presiding judges of the various subject matter benches.

I propose that we incorporate the issues of rotation and specialization with a hybrid approach to assignment and build some flexibility into the system so that it is predictable without being rigid, serves the needs of the bench, and fosters professional growth on the part of the individual judge. Judges, like other workers, perform better when they are doing work which they are well able to do and which they enjoy doing. I believe that the judge's inclination toward or fondness for an area of law should not be ignored. I suggest that a judge's experience both on and off the bench should be given consideration, that the judge's standing and reputation among the bar and bench should be considered, and that the judge's seniority should weigh in when needed in making an assignment.

In the best of all possible worlds, starting with a brand new bench, I would propose that each judge rotate through all of the possible assignments and then be allowed to express a preference based on that rotation experience. The judge would spend the first nine or ten years on the bench in various assignments and then have the opportunity to specialize in one or more areas for the second ten years. This anticipates that most judges will serve at least twenty years and that the bench's needs can be met by such a rotation. For purposes of rotation, I believe a judge should serve on the civil bench, the criminal bench and one of the family-oriented benches, i.e., probate, domestic or juvenile. That sort of rotation would allow the judge to gain experience in each of the major areas of superior court jurisdiction, and better identify where her interests lie and skills are greatest.

Aside from the fairness of my proposal, I believe that it addresses the status issue of various assignments as opposed to others by equating the importance of the family-oriented benches with that of the civil and criminal benches. Probate, domestic and juvenile have too long been the stepchildren of the bench, with the domestic relations bench being the ugly stepchild. The public expects increasing services from the court, and the legislature gives the court increasing power and responsibility in family disputes. The presiding judges of rotating courts need to do their part in raising the status of family court service in every way possible, including treating the assignment with respect and concern for all involved.

**Appendix L**

**Family Court in the United States, Statute,  
Court Rules, and Practice Analysis, NCJJ  
Snapshot (1996)**

SUPERIOR COURT CASE ACTIVITY  
FISCAL YEAR 1996

Statewide Totals (CONTINUED)

Case Type	CASES DISPOSED					Fiscal Year 1995	
	Terminations	Trans. Out	TOTAL DISP.	Stat. Corr.	PENDING 6-30-96	TOTAL DISP.	PENDING 6-30-95
Felony	29,277	108	29,385	-1,652	26,347	27,403	26,567
Misdemeanor	33	2	35	8	30	15	14
Non-Classified	276	98	374	-4	71	193	79
L.J. Crt. App.	1,834	42	1,876	-120	932	1,944	770
<b>TOTAL CRIMINAL</b>	<b>31,420</b>	<b>250</b>	<b>31,670</b>	<b>-1,768</b>	<b>27,380</b>	<b>29,555</b>	<b>27,430</b>
Tort Motor	9,691	47	9,738	654	10,775	10,746	9,697
Tort Non-Motor	3,772	156	3,928	228	5,892	4,388	5,294
Med. Malpractice	522	29	551	47	999	567	847
Contract	8,711	127	8,838	620	10,662	9,606	8,738
Tax	19	1	20	-85	12	3	14
Eminent Domain	277	4	281	42	339	362	302
L.J. Crt. App.	678	120	798	166	836	759	638
Non-Classified	14,870	76	14,946	1,280	6,953	15,128	5,737
<b>TOTAL CIVIL</b>	<b>38,540</b>	<b>560</b>	<b>39,100</b>	<b>2,952</b>	<b>36,468</b>	<b>41,559</b>	<b>31,267</b>
Dissolution	28,989	41	29,030	-690	18,933	28,002	18,953
Other Dom. Rel.	19,442	19	19,461	-3,206	15,403	16,904	16,191
<b>TOTAL DOM. REL.</b>	<b>48,431</b>	<b>60</b>	<b>48,491</b>	<b>-3,896</b>	<b>34,336</b>	<b>44,906</b>	<b>35,144</b>
Estate	10,041		10,041	-1,772	24,214	7,183	28,200
Guard./Conser.	3,552		3,552	3,318	33,201	3,185	28,730
Adult Adoptions	18		18	0	39		
<b>TOTAL PROBATE</b>	<b>13,611</b>		<b>13,611</b>	<b>1,546</b>	<b>57,454</b>	<b>10,368</b>	<b>56,930</b>
Adoption	1,669		1,669	13	1,587	1,259	1,728
Juv. Dependency	1,674		1,674	-95	1,930	1,599	2,054
Juv. Petition	15,165		15,165		6,196	13,385	4,984
<b>TOTAL JUVENILE</b>	<b>18,508</b>		<b>18,508</b>	<b>-82</b>	<b>9,713</b>	<b>16,243</b>	<b>8,766</b>
<b>TOTAL MEN. HLTH</b>	<b>2,217</b>		<b>2,217</b>	<b>-41</b>	<b>4,333</b>		
<b>TOTAL ALL CASES</b>	<b>152,727</b>	<b>870</b>	<b>153,597</b>	<b>-1,289</b>	<b>169,684</b>	<b>142,631</b>	<b>159,537</b>
Arbitration			5,049	14	4,260	6,139	3,651
Post-Conv. Rel.			1,458	1	1,640	1,500	1,381
	Issued	Denied					
Ord. of Protect.	3,245	370	3,615			3,861	
Harassment	321	82	403				

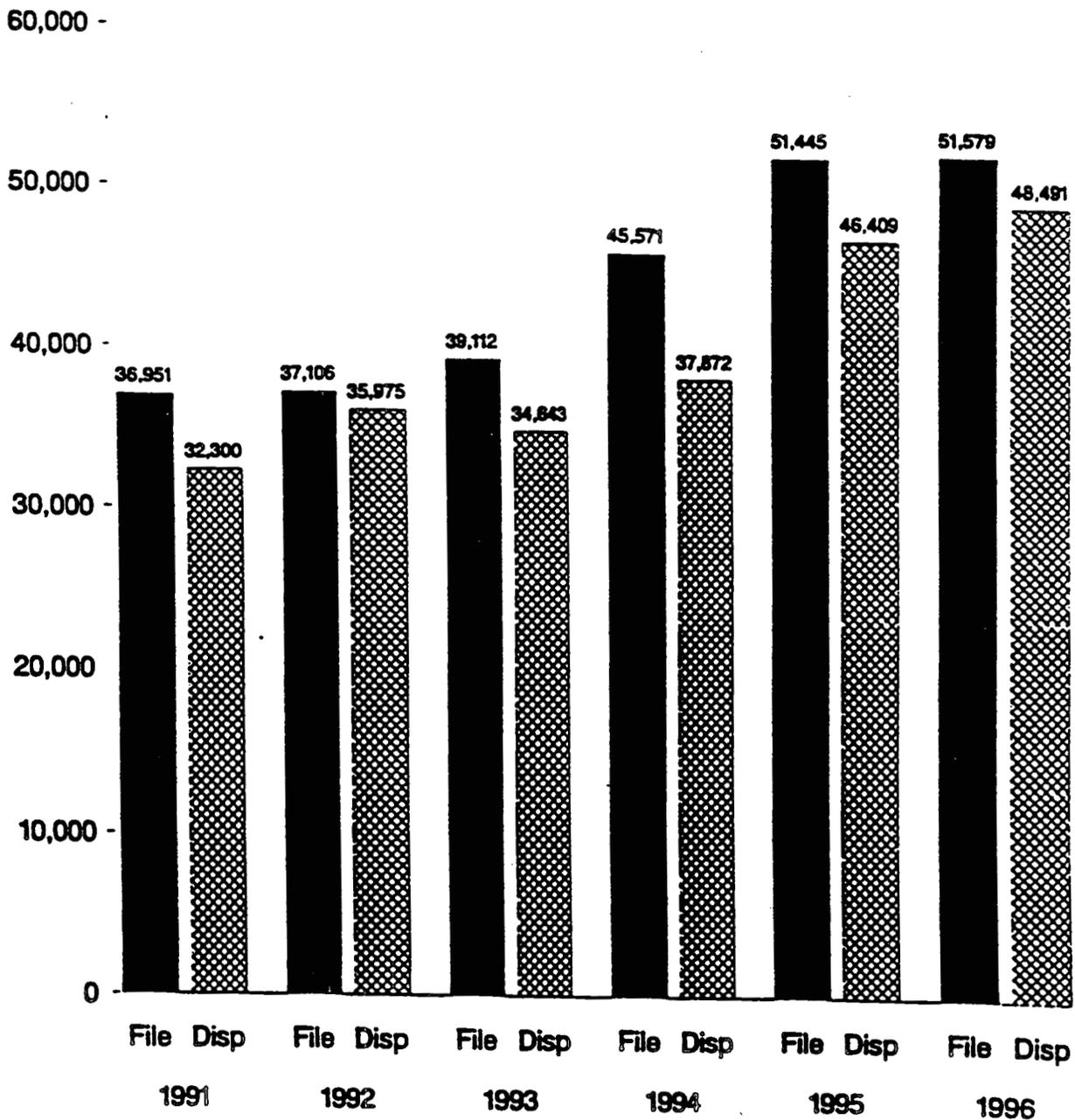
CRIMINAL INACTIVE AS OF 6-30-96

Defendants Pending in  
Cases Unable to be Tried 11,744

(CONTINUED)

# Superior Court

## Domestic Relations Case Activity, FY 1991 – 96 Cases Filed and Disposed



Cases filed include original filings and transfers in.  
Cases disposed include terminations and transfers out.

SUPERIOR COURT CASE ACTIVITY  
FISCAL YEAR 1996

Statewide Totals

Case Type	CASES FILED					Fiscal Year 1995	
	PENDING 7-1-95	Original Filings	Trans. In	TOTAL FILED	Total On File	PENDING 7-1-94	TOTAL FILED
Felony	26,567	30,758	59	30,817	57,384	23,571	30,372
Misdemeanor	14	40	3	43	57	18	12
Non-Classified	79	351	19	370	449	93	166
L.J. Crt. App.	770	2,110	48	2,158	2,928	703	2,044
<b>TOTAL CRIMINAL</b>	<b>27,430</b>	<b>33,259</b>	<b>129</b>	<b>33,388</b>	<b>60,818</b>	<b>24,385</b>	<b>32,594</b>
Tort Motor	9,697	10,069	93	10,162	19,859	11,211	8,947
Tort Non-Motor	5,294	4,210	88	4,298	9,592	5,422	4,179
Med. Malpractice	847	645	11	656	1,503	747	650
Contract	8,738	10,033	109	10,142	18,880	8,498	9,748
Tax	14	103	0	103	117	0	16
Eminent Domain	302	273	3	276	578	245	421
L.J. Crt. App.	638	822	8	830	1,468	574	826
Non-Classified	5,737	14,825	57	14,882	20,619	6,124	15,357
<b>TOTAL CIVIL</b>	<b>31,267</b>	<b>40,980</b>	<b>369</b>	<b>41,349</b>	<b>72,616</b>	<b>32,821</b>	<b>40,144</b>
Dissolution	18,953	29,243	457	29,700	48,653	18,155	29,307
Other Dom. Rel.	16,191	21,665	214	21,879	38,070	13,295	22,593
<b>TOTAL DOM. REL.</b>	<b>35,144</b>	<b>50,908</b>	<b>671</b>	<b>51,579</b>	<b>86,723</b>	<b>31,450</b>	<b>51,900</b>
Estate	28,200	7,827		7,827	36,027	27,733	8,001
Guard./Conser.	28,730	4,705		4,705	33,435	26,639	5,096
Adult Adoptions	21	36		36	57		
<b>TOTAL PROBATE</b>	<b>56,951</b>	<b>12,568</b>		<b>12,568</b>	<b>69,519</b>	<b>54,372</b>	<b>13,097</b>
Adoption	1,728	1,515		1,515	3,243	2,722	1,536
Juv. Dependency	2,054	1,645		1,645	3,699	3,173	2,082
Juv. Petition	4,984	16,377		16,377	21,361	3,960	14,409
<b>TOTAL JUVENILE</b>	<b>8,766</b>	<b>19,537</b>		<b>19,537</b>	<b>28,303</b>	<b>9,855</b>	<b>18,027</b>
<b>TOTAL MEN. HLTH</b>	<b>3,574</b>	<b>3,017</b>		<b>3,017</b>	<b>6,591</b>		
<b>TOTAL ALL CASES</b>	<b>163,132</b>	<b>160,269</b>	<b>1,169</b>	<b>161,438</b>	<b>324,570</b>	<b>152,883</b>	<b>155,762</b>
Arbitration	3,651			5,644	9,295	3,957	6,109
Post-Conv. Rel.	1,381			1,716	3,097	1,204	1,790
Ord. of Protect.				3,618			3,862
Harassment				435			

TRIALS COMMENCED DURING FY 1996

Case Type	Court	Jury
CRIMINAL	109	1,420
CIVIL	626	419
DOMESTIC RELATIONS	2,756	
<b>TOTAL TRIALS</b>	<b>3,491</b>	<b>1,839</b>

HEARINGS/OTHER PROCEEDINGS DURING FY 1996

Arbitration Appeals	844
Child Support Hearings (IV-D)	13,874
Child Support Hearings (Non IV-D)	3,777
Order of Protection Review Hearings	1,504
Harassment Review Hearings	88
Emergency Orders of Protection	438

(CONTINUED)





**SUPERIOR COURT OF ARIZONA**  
MARICOPA COUNTY

FROM THE CHAMBERS OF  
ROBERT D. MYERS  
PRESIDING JUDGE

March 26, 1999

201 W. JEFFERSON, STE. 4A  
PHOENIX, AZ 85003  
(602) 506-5810  
FAX 506-6326  
TDD 506-3100

TO: Maurice Portley, Juvenile Court Presiding Judge  
Mark Armstrong, Family Court Presiding Judge  
Don Daughton, Probate and Mental Health Presiding Judge  
Barry Schneider, Special Assignment Judge

FR: Bob Myers, Presiding Judge

RE: **Developing a Family Court in Superior Court (Maricopa County)**

A friend of mine recently told me that one defining dimension of good leadership is to know when it's time for debate and discussion, and when it's time for action. I've thought a lot about those words recently in the context of the ongoing dialogue that continues to unfold regarding the creation of a statewide family court. The more I pondered the arguments and positions, the more I concluded that such a structure may be right for some jurisdictions or courts and not for others.

After considerable reflection, I am persuaded that experimentation in a family court by our court may be beneficial. A large, general jurisdiction court, such as ours, already heavily balkanized into a series of departments and divisions, has more to gain by streamlining our judicial operations around a common philosophy and purpose than most smaller courts. We are more than three times the size of the second largest Arizona urban court, the Superior Court in Pima County, and have a multitude of functions and activities that are unique because of our metropolitan character and sheer size.

Additionally, we have prided ourselves on our ability to experiment, reorganize, and modernize our operations from the inside. Pilot projects, special grants, and new innovations motivate us to produce results. Our reputation among the national community of courts is that we are successful in progressive advancements. Others look to us to set new directions and revitalize outdated approaches.

Consequently, I would like the four of you, assisted by staff from court administration, to constitute a task force for the purpose of developing and structuring a family court within our court. I don't want you to languish and agonize toward the perfect structure or a fail-safe design. My charge is to develop a pilot or first phase experiment. There has been much research through the recent and continuing statewide Family Court Committee. The four of you are our experts. Indeed, you are some of the most knowledgeable people in the state on the subject. I trust your judgement and intuition. I also believe that improvements can be occasioned without dramatic new systems, great dislocations, long development times, or large

expenditures of money. I have no special cache of funds, no new computer systems, no hidden space, no new, unknown source of additional judicial officers, nor any pre-conceived plan to offer. I do trust your judgement, believe strongly in the capacity of this court to innovate, and believe you can develop a needed, new pattern of doing business to better deal with entire families in this fast growing county.

Lastly, I believe that responsible change can be implemented in the near future, not at some distant time years away. As you develop your plans and solutions, I urge you not to be seduced into a "time warp". The first phases of the self-service center in our court moved from concept to actuality in about a year. Arizona's new jury reform rules advanced from committee formulation to final report in seventeen months, and from final proposal to rule adoption by the supreme court in twelve months. I'm not proposing that you become the "three minute managers or reformers", but I'm likewise convinced that by methodically moving in manageable steps, much can be accomplished in the next year. Frankly, I have only about fourteen months remaining in my tenure as presiding judge, and would hope that a good deal of family court restructuring could be accomplished in that period.

Please let me know about your willingness to participate in this effort. I have asked Mark Armstrong to chair the task force. I have attached his vision of a family court and believe it to be an appropriate beginning for your very important project.

attachment

cc: Ron Reinstein, Associate Presiding Judge  
Gordon M. Griller, Court Administrator  
Cherlyn Townsend, Chief Juvenile Probation Officer  
Marcus Reinskensmeyer, Chief Deputy Court Administrator  
Phil Knox, Administrator, Family Court  
Caroline Lutt-Owens, Administrator, Juvenile Court  
Ken Crenshaw, Administrator, Probate and Mental Health





**J**ustice 2002 is the strategic agenda for the Arizona Judicial Department. The four goals of the agenda include *Protecting Children, Families, and Communities; Providing Access to Swift, Fair Justice; Connecting With the Community; and Being Accountable.*

This agenda is a blueprint created to increase the public's trust in the court system, to inspire confidence that individual rights are being protected, and to ensure that all citizens are being treated fairly.

Arizona Supreme Court  
Administrative Office of the Courts  
1501 W. Washington  
Phoenix, AZ 85007  
602-542-9301

August, 1999



# Justice 2002

Building Trust and Confidence in Arizona Courts

✓ Protecting Children,  
Families, & Communities

✓ Providing Access to  
Swift, Fair Justice

✓ Connecting With  
the Community

✓ Being Accountable



# Justice 2002

Building Trust and Confidence in Arizona Courts

## Protecting Children, Families, & Communities

Courts protect Arizona's children, families, and communities by providing them an independent, neutral forum for resolving disputes; limiting the arbitrary use of government power to take their liberty, property, children, or life; and by dispensing justice in a fair and equitable manner.

For example, the courts will better serve these groups by improving how children and families are served in family law matters; ensuring that juvenile detention facilities are available, safe, and secure; and delivering probation services that provide public protection and offender accountability.



# Justice 2002

Building Trust and Confidence in Arizona Courts

## Providing Access to Swift, Fair Justice

Citizens, victims, litigants, and defendants deserve access to a fair and swift process for resolving civil or criminal disputes.

The court system must help ensure that resources are adequate and that court procedures, policies, and practices are consistent with this goal.



# Justice 2002

Building Trust and Confidence in Arizona Courts

## Connecting With the Community

Courts and judges should be independent and free of outside influence when deciding cases. Cases should be decided based on the law and case merits, regardless of the involved parties' economic or political status. However, judges can and should be involved in their communities.

The Judicial Department will implement programs to improve how it listens to communities and establish effective methods of communication between citizens and the courts.



# Justice 2002

Building Trust and Confidence in Arizona Courts

## Being Accountable

**T**he court system must use taxpayer resources wisely and achieve desired results.

This objective requires establishing and meeting court standards, linking performance with budget, maintaining ongoing strategic planning, and continuing judicial performance review.



# **Justice 2002**

---

Building Trust and Confidence in Arizona Courts

## ***Implementation***



# Justice 2002

Building Trust and Confidence in Arizona Courts

## Protecting Children, Families, & Communities

- ✓ Implement statewide a reengineered case processing system to reduce the time abused and neglected children spend in out-of-home placement. (Model Court)
- ✓ Provide safe and secure juvenile detention facilities.
- ✓ Provide a balanced approach to supervising probationers in the community.
  - Increase collection of restitution and probation fees, and ensure fulfillment of community service hours from probationers.
  - Expedite hearings to revoke probation of offenders who refuse to comply with probation conditions.
  - Apprehend probationers who fail to appear as ordered and those who leave the county or state without the court's permission.



# Justice 2002

Building Trust and Confidence in Arizona Courts

## Protecting Children, Families, & Communities *(continued)*

- Provide probation services to Limited Jurisdiction Courts for persons convicted of domestic violence, driving while intoxicated, and sex offenses.
- Provide drug and alcohol treatment programs for those probationers who are substance abusers.
- ✓ Implement statewide drug court programs to reduce drug related recidivism.
- ✓ Improve child support collections management by centralizing/privatizing the child support payment system.
- ✓ Create a Family Court Commission to study the effectiveness of courts in dealing with legal matters involving children and families.
- ✓ Partner with other government and community agencies to create violence prevention programs, such as the "Violence Prevention Initiative."
- ✓ Implement a private fiduciary program that trains, certifies and investigates court appointed guardians, conservators, and personal representatives of the elderly, mentally incapacitated, and other vulnerable citizens.



# Justice 2002

Building Trust and Confidence in Arizona Courts

## Providing Access to Swift, Fair Justice

- ✓ Strive to process 90% of criminal cases within 100 days of filing by reengineering criminal case processing and by increasing resources for courts, prosecutors and public defenders. (Fill the Gap)
- ✓ Eliminate barriers to accessing the court by reducing costs and providing information and assistance to people who come to court. (CourtHelp)
  - Provide legal advice hotlines for domestic violence, domestic relations, and juvenile issues. (Similar to Elder Law Hotline)
  - Implement a Public Access Line (PAL), a toll free service to provide general court related information to the public.
  - Customer service training.
  - Forms on demand available on Judicial Department's Self Service Center Web site.



# Justice 2002

Building Trust and Confidence in Arizona Courts

## Providing Access to Swift, Fair Justice *(continued)*

- ✓ Provide adequate and safe court facilities for citizens and employees.
- ✓ Develop integrated justice information systems.
- ✓ Examine how the practice of law (e.g., rules of practice and procedure, discovery practices, etc.) increase the cost to accessing justice.
- ✓ Recruit, train, and retain a quality workforce.



# Justice 2002

Building Trust and Confidence in Arizona Courts

## Connecting With the Community

- ✓ Develop opportunities for effective communication between the courts and the community.
  - Conduct citizen summits.
  - Increase information provided through the Internet.
  - Continue the “View from the Bench” program that matches legislators and judges for sharing information and better understanding of each others’ roles.
  - Design an ongoing customer-satisfaction survey system.
  - Establish local citizen advisory councils to provide input on court operations.
- ✓ Develop opportunities for juveniles to view the court system such as taking the court to school/or school to court.



# Justice 2002

Building Trust and Confidence in Arizona Courts

## Connecting With the Community *(continued)*

- ✓ Enhance the perception as well as the reality of fairness and equality in the judicial system.
- ✓ Reexamine the Code of Judicial Conduct as it relates to judges' public involvement.



# Justice 2002

Building Trust and Confidence in Arizona Courts

## Being Accountable

- ✓ Implement standards of performance for trial courts.
- ✓ Implement a process of strategic planning to set goals and monitor performance.
- ✓ Provide citizens sufficient information on judicial performance to use in judicial retention elections.
- ✓ Implement a reengineered lawyer discipline system that will provide prompt, fair resolution of complaints.
- ✓ Increase the number of public members serving on the courts' various policy-making committees.
- ✓ Improve the professionalism of judges and attorneys.
- ✓ Ensure enforcement of court orders and rules.
  - Ensure victims' rights are addressed.

D

**SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY**

**FRAMEWORK FOR AN INTEGRATED  
FAMILY COURT**



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## I. INTEGRATED FAMILY COURT BACKGROUND

The notion of an integrated or unified family court is not a new one. The concept was first proposed in this country in 1899, the same year that a specialized juvenile court was first created in Denver and Chicago. The first documentary evidence of a family court's creation is in some 1912 New Jersey legislation that authorized the juvenile court to hear domestic matters. The first actual family court consolidation of juvenile and domestic relations courts occurred in 1914 in Hamilton County (Cincinnati), Ohio. The first Hamilton County family court judge, Charles W. Hoffman, said in 1918 that "[b]y reason of the organization of the family courts, we believe that the administration of the juvenile court will become more effective and significant and better understood, not only by those connected with the juvenile court but by the public generally. There is no need for publicity on this point...It is clear...that the principle of the juvenile court is the foundation upon which the family court must be constructed."

The purpose of the Family Court was further defined by the Standard Family Court Act, a model act proposed in 1959, as follows:

**...to protect and safeguard family life in general, and family units in particular, by affording to family members all possible help in resolving their justiciable problems and conflicts arising from their inter-personal relationships, in a single court with one specially-qualified staff, under one leadership, with a common philosophy and purpose, working as a unit, with one set of family records all in one place, under the direction of one or more specially-qualified judges.**

Since then, family courts have evolved in numerous forms and without a universally accepted definition. Among the first states to develop family courts after the act were Rhode Island in 1961, New York in 1962, and Hawaii in 1965. Comprehensive jurisdiction family courts have been recommended by the National Council of Juvenile and Family Court Judges (1993), the American Bar Association (1993), and the Association of Family and Conciliation Courts (1995). One of the reasons for the family court movement is that nationally, family law cases, excluding juvenile cases, account for 35-40 % of all case filings, and the percentage is growing. Yet inexplicably, family courts remain among the most neglected areas of the court system.

As of 1999, 11 states have statewide family courts; 16 states have family courts in certain areas of the state; and 8 states have planned or pilot family courts. Judicial terms for these family courts range from 9 months to lifetime. Some of the best elements of these diverse family courts, include: (1) Ensuring that the family court is at the same jurisdictional level as the general jurisdiction trial court; (2) Comprehensive family law subject-matter jurisdiction over the full range of a family's related legal problems; (3) A one team – one family approach in which the team is headed by the judge but provides a multi-disciplinary approach to family management

and services; this approach promotes stability and predictability; (4) Specialized judges (specialization may be gained by experience on the bench); (5) A case management system capable of containing the family's entire court records in an easily accessible database; and (6) Using interdisciplinary approaches known as the ecology of human development and therapeutic justice.

The ecology of human development means an approach that holistically examines the larger social environments in which the participants live, and that fashions legal remedies that strengthen a family's supportive relationships.

Therapeutic justice involves using the law and agents of law to promote the psychological and physical well being of the people it and they affect. It should be aimed towards healing of the parties to a family law dispute, including their children. Judges may more effectively promote healing by being informed about relevant social science literature, including child development and family dynamics. The court as a whole may do so by improving access, and treating litigants with courtesy and respect.

Benefits of an integrated family court would include: (1) Having one court hear the full range of family-related cases, eliminating or reducing the fragmentation and inefficiencies that currently exist; (2) Breaking intergenerational cycles of dysfunction; (3) Having a much more knowledgeable and informed judiciary hearing the full range of family-related issues; and (4) Creating a judicial assignment that is more diverse and more attractive to judicial officers.

On October 22, 1997, Chief Justice Thomas A. Zlaket signed Administrative Order 97-54 creating the statewide Committee to Study Family Issues in the Superior Court. The committee was asked to study the manner in which Arizona and other states handle family-related cases, to consider the prospect of a unified family court, and to make recommendations to the Arizona Judicial Council (AJC) on ways to improve the system. The committee submitted its final report to the AJC in December 1998. The AJC did not adopt the report and asked the committee to report back with more specific recommendations. In September 1999, after nearly two years of meetings, the committee recommended to the AJC that the committee disband while endorsing the pilot projects in Maricopa and Yavapai Counties.

On March 26, 1999, Presiding Judge Robert D. Myers asked Judges Armstrong, Portley, Schneider and Daughton to develop an integrated family court in Maricopa County. He asked Judge Armstrong to chair the effort. The four judges met on May 10, 1999, agreed to the elements of an integrated family court set forth next, and created the Maricopa County Integrated Family Court Design Task Force. The remainder of this Framework reflects the continuing work the task force.

## **II. ELEMENTS OF AN INTEGRATED FAMILY COURT**

- 1. Maintaining the family court as part of the general jurisdiction trial court;**
  
- 2. Having a “Family Court” or “Juvenile and Family Court” with comprehensive family law subject-matter jurisdiction over the full range of a family’s related legal problems;**
  
- 3. A one team – one family approach in which the team is headed by the judge but provides a multi-disciplinary approach to family management and services;**
  
- 4. Specially trained judges;**
  
- 5. A case management system capable of containing the family’s entire court records in an easily accessible database – “A Family File”;**

6. Using interdisciplinary approaches to resolve cases.

### **III. MISSION STATEMENT FOR THE DESIGN OF AN INTEGRATED FAMILY COURT**

**To better serve and protect the families and children of Maricopa County by: (1) Having one court hear the full range of family-related cases, eliminating or reducing some of the fragmentation and inefficiencies that currently exist in the court system; (2) Having a much more knowledgeable and informed judiciary hearing the full range of family-related issues; and (3) Creating a judicial assignment that is more diverse and more attractive to Family Court judicial officers.**

## **IV. CORE VALUES FOR AN INTEGRATED FAMILY COURT**

**CORE VALUES ARE MUCH MORE THAN MINIMUM STANDARDS. THEY ARE INTENDED TO PROVIDE A COMMON BOND AND INSPIRE US TO DO OUR VERY BEST AT ALL TIMES. AFTER ALL, THE FAMILY COURT TOUCHES THE LIVES OF MORE FAMILIES AND CHILDREN THAN ANY OTHER DEPARTMENT OF THE COURT.**

### ***A. CORE VALUES FOR OUR CASES***

- 1. Assisting children and families in need, and preserving the family unit when possible and appropriate.**
- 2. Protecting the community by administering individual justice and deterring criminal behavior.**
- 3. Rehabilitating delinquent and incorrigible children when possible and appropriate.**
- 4. Ensuring that children are adequately supported financially and emotionally, including regular and meaningful time with both parents when possible and appropriate.**
- 5. Preventing family violence and protecting victims of family violence.**
- 6. Processing our cases fairly and efficiently, using non-adversarial means to the extent possible and appropriate.**

### ***B. CORE VALUES FOR OUR PEOPLE***

1. **Integrity - the willingness to do what is right even when no one is looking; Integrity includes the moral traits of honesty, responsibility, accountability, justice, self-respect, humility and courage.**
2. **Service to the community - recognizes that our primary job is to serve our community; Requires respect for others, self-control and faith in the system.**
3. **Competence - knowing our job through education, training and experience.**
4. **Excellence in all we do - directs us to develop a passion for continuous improvement and innovation of the Family Court; Includes personal excellence, service excellence and resource excellence.**

## **V. ISSUES FOR DESIGN OF AN INTEGRATED FAMILY COURT**

**(ASSUMES A FAMILY COURT WITH COMPREHENSIVE JURISDICTION OVER ALL FAMILY COURT/DOMESTIC RELATIONS/JUVENILE/GUARDIANSHIPS OF MINORS/CERTAIN CRIMINAL FAMILY VIOLENCE MATTERS)**

**(GENERAL FC STRUCTURE:**

**(1) COURT**

**(2) SOCIAL SERVICE DELIVERY SYSTEM**

**(3) CASE PROCESSING & MANAGEMENT**

**(4) ADMINISTRATION & ORGANIZATION)**

**♦ = TASK FORCE DECISIONS**

**The following list of issues is not intended to be exhaustive or exclusive. Other issues may arise during the design process. Michigan has broken down the issues on a more general basis as (1) Administration; (2) Judicial and Case Assignment; (3) Caseflow Management; (4) Facilities and Records Management; and (5) Training and Staffing.**

1. **Global Structure of Integrated Family Court (See also Minutes of June 17, 1999, meeting)**

**The two models currently under consideration are:**

### **Model A**

**Family Court Umbrella**

---

Juvenile Divisions    Family Divisions    Criminal Divisions    Special Divisions  
(I.e., Paternity,  
Guardianships,  
Adoptions, Orders of  
Protection, Mental  
Health Commitments  
of Minors)

Information Exchange  
A [virtual] Family File  
One Team - One Family

Under Model A, the judge's calendar would include cases from the other type divisions only in cases of overlapping jurisdiction (not limited to active divorce and dependency cases, however) to preserve the One Team - One Family concept. All divisions would be authorized to act as Juvenile Court judges under Title 8, A.R.S.

### Model B

Juvenile & Family Court Umbrella  
Team Team Team Team Team

A [virtual] Family File  
One Team - One Family

Under Model B, the judge's calendar would include a regular mix both juvenile and family court matters. All divisions would be authorized to act as Juvenile Court judges under Title 8, A.R.S.

Under either model, no change is anticipated in the location or manner of dealing with juvenile delinquency and juvenile transfer cases. Similarly, no change is anticipated in the juvenile probation department, except it would be part of the umbrella "family court" or "juvenile and family court." Also under either model, all judicial officers would be trained in the full range of family-related issues.

Currently, juvenile and family cases are heard at four different court sites (Downtown Phoenix – Adult; Durango – Juvenile; Southeast – Adult; Southeast – Juvenile).

- ◆ The Mission Statement and Core Values were approved. (8/11/1999)

- ◆ **Planning will begin immediately for a Pilot Project involving a limited number of judicial officers from the Juvenile and Family Court Departments. The Pilot Project will be structured under Model A, and will encompass all Title 25 cases, Superior Court Orders of Protection, and juvenile adoption (12/8/1999), delinquency, dependency and severance/termination of parental rights cases under Title 8. Grants and technical assistance will be sought. A case manager and resource coordinator should be components of a Pilot Project, as well as a family information retrieval person. Members of the Pilot Project Workgroup include Phil Knox as Chair, Judge Armstrong, Alice Bustillo, Caroline Lutt-Owens, Barbara Marshall, Virginia Matte, Mary McDonald, Joe Piergallini, and Carol Schreiber. (8/11/1999)**
- ◆ **It is anticipated that a virtual pilot will begin around February 1, 2000, with the actual pilot to begin after the May 2000 judicial rotation. (12/8/1999)**
- ◆ **Measures of outcome/success for the Pilot Project will include: (1) Reduction of time to disposition (the term disposition will need to be defined; one suggested definition was a final, appealable order); (2) Reduction in subsequent contested filings or proceedings; (3) Reduction in the number of judicial officers involved with the “family;” (4) Increase in implementation of ADR components in cases; and (5) Overall litigant and staff satisfaction with the new process. (12/8/1999)**
- ◆ **A Survey Workgroup was created to develop instruments and methodology to measure outcome measure (5), above. Members of the workgroup include Professor Sanford Braver, Chair, Phil Knox and John Barrett. (1/13/2000) Bahney Dedolph was added on 2/10/2000. (2/10/2000)**

## **2. Case Types (See Types of Cases Below)**

- ◆ **The Integrated Family Court should exercise jurisdiction over all juvenile cases, all domestic relations/family court cases, all guardianship of minor cases, and certain criminal family violence cases. The Task Force has yet to determine the types of criminal matters to be properly included. (7/14/1999)**

## **3. Information Sharing/Automation/Confidentiality**

- ◆ **An Automation Workgroup was created consisting of Priscilla Dance (Chair), John Barrett, Bobbie Chinsky, Carol Schreiber or her designee, and Stan O’Dell’s designee**

(7/14/1999)

- ◆ **The Family Court must be able to review the adult and juvenile case management systems, and efficiently and effectively determine case overlap. This will require creation of a third database for Family Court cases to track overlapping cases and performance measures. (12/8/1999)(2/10/2000) For the Pilot Project, the third database will not include baseline data which will continue to be maintained in ACS and JOLTS. The third database should be able to deliver reports on family-related cases as well as performance measures. (2/10/2000)**

#### **4. Filing**

- ◆ **There should be an integrated "Family File" system. All family cases would be designated as FC, or some other designation determined by the Task Force after hearing from the Automation Workgroup, with additional alpha or numeric characters designating case types. The Family File shall include discreet subparts for types of cases. Filing may occur wherever the Clerk of Court has a filing office (in the future, electronic filing should be available). (7/14/1999) There will be a separate designator for dissolution, legal separation and annulment cases without children. (2/10/2000)**
- ◆ **All known children of the parties will be named in a separate form to be submitted to the Clerk of Court at the time of filing a Family Court petition. The children's names may be maintained as confidential when required by law or rules. (8/11/1999)**
- ◆ **"Family" was defined to encompass at a minimum (1) persons related by marriage; and (2) parents (including in loco parentis) and legal guardians, and their children or wards (including siblings). When practicable, and at the discretion of the Court, "family" may also include others involved in the caretaking of the children. (8/11/1999)**
- ◆ **The Intake/Services Workgroup is developing Family Court cover sheets. (11/10/99) There will need to be three types of forms: (1) Dissolution/Legal Separation/Annulment/Paternity; (2) Delinquency and Incurrigibility; and (3) Dependency/Termination of Parental Rights/Adoption. The forms will not be part of the public file. (1/13/2000)(2/10/2000) The Delinquency and Incurrigibility form may borrow in whole or in part from the Juvenile Probation Department's form. (2/10/2000)**
- ◆ **Except in cases of petitions filed by the State, Family Court cover sheets (2/10/2000) or petitions will include statements that either (1) there are no other known pending or resolved actions involving the family or family members of the parties within a certain jurisdiction, or (2) there are such actions, to be described by court and case number.**

The State would also provide such information if known. (8/11/1999)

## **5. Screening/Intake/Early Intervention**

- ◆ **An Intake/Services Workgroup was created to address issues 5 and 6. Members include Bill Callahan as Chair, Annette Burns, Alice Bustillo, Kat Cooper, Bob James, Joe Piergallini, Judge Portley and David Sands. (8/11/1999)**
  - ◆ **A Case Coordinator should be part of the team. The case coordinator performs needs assessments in new family court cases; coordinates with the resource coordinator and the team to ensure the appropriate provision of services; and monitors the case to ensure timely case flow. (10/13/99)**
  - ◆ **A Resource Coordinator should be part of the team. The resource coordinator establishes and maintains connections with community and court based social service providers; maintains directories of available services; facilitates the delivery of services by assisting the case coordinator in identifying services. (10/13/99)**
  - ◆ **An “intake person” should be considered for the team. This would not be a necessary component of the pilot project. The public nature/confidentiality of any intake information must be considered. (11/10/99)**
- **Team: Judge, Commissioner or Family Court Officer, Case Coordinator, Resource Coordinator**
  - **ICMP**
  - **DCM**
  - **Family Court Planning Conference**

## **6. Services/Resources/Facilities**

- **CASA/GAL/Child Representation**

- **Conciliation Services - Counseling, Mediation, Evaluation**
- **Drug Court/Substance Abuse Unit**
- **Family Support Center/Expedited Services**
- **Foster Care Review Board**
- **Juvenile Probation Services**
- **Model Court**
- **Parent Education Program**
- **Self-Service Center/Simplifying Process for Litigants/Accessibility**
- **Value Options/ABS/REBHA**

**7. Case Management/Calendaring/Location of Hearings**

- ◆ **A Casemanagement Workgroup was created to address issue 7, above. Members include Stan O'Dell as Chair, Helene Abrams, Aimee Faust and Caroline Lutt-Owens. (8/11/1999) This workgroup also will attend Pilot Project Workgroup meetings. (9/8/99)**

**8. Division of Responsibilities between judges and commissioners**

**9. Judicial Appointments/Assignments/Rotation/Terms**

- ◆ **A Judicial Officer Workgroup was created to address issue 9. Members include Bruce Cohen as Chair, Comm. Wm. David Anderson, Terrie Rendler and Virginia Matte. (8/11/1999) Judge Quigley was added to the workgroup on January 13, 2000. (1/13/2000)**
- ◆ **There needs to be special judicial officer selection for family court, emphasizing interest and/or experience, as well as specialized training. (10/13/99)**
- ◆ **Judicial appointment decision-makers, including the Commission on Trial Court Appointments and the Governor, should give favorable consideration to those applicants with family law, juvenile law and other family court experience and/or interest. (12/8/1999)**
- ◆ **Efforts should be made to urge the State Bar Board of Governors to seek and appoint qualified and respected members of the family law and/or juvenile law bar to the judicial selection commission. This could assist in effectuating a “cultural” change to the commission by increasing awareness of specific issues encountered by judicial officers assigned to the Family Court. (1/13/2000)**
- ◆ **A liason with the Governor’s office should be established to identify and report on specific issues pertaining to the Family Court and judicial selection. This educational component should also provide assistance in ensuring a greater understanding of the specific needs of this department of the court for when the Governor must make a judicial selection. (1/13/2000)**
- ◆ **Organizational support should be sought from such groups as the Maricopa County Bar Family Law and Juvenile Law Committees and the Maricopa County members of the State Bar Family Law and Juvenile Law Committees to encourage applications by qualified members of the family law and/or juvenile law bar. (1/13/2000)**
- ◆ **Separate and apart from any lobbying efforts on behalf of any applicants to the judicial selection commission, the commission should be encouraged to independently seek input from members of the family law and juvenile law bar regarding applicants for judicial office. (1/13/2000)**

**10. Presiding Judge(s)/Administrative Structure**

**11. Training and Education**

**12. Administrative Order**

- **PROPOSED ADMINISTRATIVE ORDER:** It is ordered that all Juvenile Court judges shall be part of the Family Court. It is further ordered that all Family Court judges be authorized to act as Juvenile Court judges pursuant to Title 8, A.R.S.

**13. Funding**

**14. Potential Rule or Statutory Changes**

## **VI. TYPES OF CASES IN AN INTEGRATED FAMILY COURT**

### ***A. DOMESTIC RELATIONS/FAMILY COURT***

**1. Conciliation**

**2. Legal Separation\***

**3. Legal Separation in Covenant Marriage\***

**4. Annulment\***

**5. Dissolution of Marriage, either With or Without Children\***

**6. Dissolution of Covenant Marriage, either With or Without Children\***

**7. Paternity**

**8. Maternity**

**9. Voluntary Acknowledgement of Paternity**

**10. Child Custody by Parent**

**11. Child Custody or Visitation by Non-Parent (in loco parentis)**

**12. Enforcement of Out-of-State Custody Decree**

**13. Domestication of Foreign Judgment**

**14. Grandparent or Great-Grandparent Visitation**

**15. Establishment, Enforcement, Registration, or Modification of Support**

**16. Writ of Habeas Corpus**

**17. Pre-Decree and Post-Decree Actions to Enforce, Modify, or Terminate any Order of the Court Not Specifically Listed Above**

## ***B. JUVENILE***

**1. Adoption**

**2. Dependency**

3. **Permanent Guardianship**
4. **Termination/Severance of Parental Rights**
5. **Delinquency/Incorrigibility**
6. **Transfer Proceedings**
7. **Title 8 Mental Health Commitments**

### ***C. PROBATE***

1. **Guardianship of Minors**

### ***D. FAMILY VIOLENCE***

1. **Orders of Protection**
2. **Family-Related Injunctions Against Harassment**
3. **Family/Domestic Violence Criminal Cases (In Hawaii, Family Court Criminal Divisions hear misdemeanors between spouses or household members; and felonies between parents and children)**

\*One proposal is to separate out cases of dissolution, legal separation, and annulment without minor children. These cases would be heard on a regular civil calendar.



September 14, 1999

Dear

The growing concerns for children and families in our society have caused many jurisdictions to re-evaluate how they process family related cases. My own court in Maricopa County, (Phoenix) Arizona has recently changed the title of our Domestic Relations Department to that of Family Court Department. This was planned as a first step towards the design, development and implementation of an integrated family court system.

Many of you have either completed or are in the midst of creating a family court model in your own courts. For that reason, I have specifically selected you as someone that could offer some insight and knowledge on the topic of unification of a family court. With your assistance and that of others, I hope to compile important information that will be helpful in proving best practices and the identification of essential elements in the formation and on-going improvement of family court services.

This research is being conducted not only to assist this court and others to better achieve some type of integrated or unified family court but it is also to be used as partial fulfillment of my work in the Institute for Court Management's Court Executive Development Program.

I would ask that you take some time to complete the questionnaire and return it in the enclosed pre-addressed, stamped envelope by October 1, 1999. I have asked several administrators in this court to complete the survey in order to ascertain how long it might take. The entire questionnaire should only take **10-15 minutes** of your time. Individual responses will be kept **confidential**.

Related to this, some of you may be attending the conference, A Forum On Family Court to be held in St. Louis later this month. I will be attending and would look forward to meeting with you.

I appreciate your time and look forward to sharing the results of my findings when available.

Very truly yours,

Phillip Knox  
Family Court Administrator  
Superior Court of Arizona in Maricopa County

Phone (602) 506-8937  
Fax (602) 506-6050  
E-Mail: [pknox@smtpgw.maricopa.gov](mailto:pknox@smtpgw.maricopa.gov)

Enclosure



# FAMILY COURT DEVELOPMENT SURVEY

## A. INDIVIDUAL PROFILE

1. Position held in Court (check one)

- |   |   |
|---|---|
| <input type="checkbox"/> presiding/chief judge                | <input type="checkbox"/> family court administrator |
| <input type="checkbox"/> presiding family court judge         | <input type="checkbox"/> program manager            |
| <input type="checkbox"/> department judge                     | <input type="checkbox"/> clerk of court             |
| <input type="checkbox"/> court administrator                  | <input type="checkbox"/> other: (please specify)    |
| <input type="checkbox"/> deputy/assistant court administrator | _____   |

2. In what state or US Territory are you currently working? \_\_\_\_\_

3. Please identify the type of court organization in which you are currently working.

- state/local general jurisdiction  
 special jurisdictional court only (e.g. domestic relations, juvenile)  
 state court administrative office  
 other: (please specify) \_\_\_\_\_

4. How long have you been in your current leadership position?

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| <input type="checkbox"/> <1 year   | <input type="checkbox"/> 7-10 years  |
| <input type="checkbox"/> 1-3 years | <input type="checkbox"/> 10-15 years |
| <input type="checkbox"/> 3-5 years | <input type="checkbox"/> >15 years   |
| <input type="checkbox"/> 5-7 years |                                      |

## B. PROFILE OF JURISDICTION

1. What is the total number of authorized judgeships in your court?

- |   |   |
|---|---|
| <input type="checkbox"/> full-time judges               | <input type="checkbox"/> judges pro tempore                 |
| <input type="checkbox"/> part-time judges               | <input type="checkbox"/> retired judges                     |
| <input type="checkbox"/> commissioners/referees/masters | <input type="checkbox"/> any other type of judicial officer |

2. How are judges assigned to serve in the family court?

- elected as family court judge  
 selected by presiding/chief judge  
 random rotation  
 assigned by specialty  
 other: (please specify) \_\_\_\_\_

3. How long is the typical term as a family court judge? \_\_\_\_\_

4. How many of the total number of judges are assigned to handle Family Court matters (both full and part-time assignments)? \_\_\_\_\_

5. What is the estimated population of the jurisdiction served by your court?  
\_\_\_\_\_ unknown \_\_\_\_\_ # total population served

6. What was the approximate number of new cases filed (pre and post decree, if possible) in your family court during calendar year 1998 or in the last 12 months (whichever is possible)?  
\_\_\_\_\_ # of new family court filings

please check if for; \_\_\_\_\_ calendar year 1998 or; \_\_\_\_\_ last 12 months

C. FAMILY COURT DESIGN

1. How was your Unified/Integrated Family Court established?

- |  |   |
|--|---|
| <input type="checkbox"/> Family Law Code     | <input type="checkbox"/> Constitutional Amendment |
| <input type="checkbox"/> Statute             | <input type="checkbox"/> pilot project            |
| <input type="checkbox"/> State Supreme Court | <input type="checkbox"/> other: (please specify)  |
| <input type="checkbox"/> Local Rule          | _____   |

2. In what year was authority given to begin a unified/integrated family court? \_\_\_\_\_

3. Please check all that apply. The Family Court in my jurisdiction includes matters in the following areas:

- Domestic Relations
- Juvenile
  - dependency
  - delinquency
  - adoption
  - other
- Probate
- Mental Health
- Criminal
  - misdemeanor
  - felony
  - domestic violence
- Other: (please specify) \_\_\_\_\_

4. Please check the one answer that is most accurate. The Family Court in this jurisdiction can be best described as:

- one judge/one family
- all judges handle any case
- family court cases are shared between domestic relations and juvenile court for special handling
- information is shared by both juvenile and DR departments
- other: (please specify) \_\_\_\_\_

D. JUDICIAL /ADMINISTRATIVE WORKING RELATIONSHIPS

(Please check the one best response to each statement listed below)

1. The mechanism establishing a Unified/Integrated Family Court in my jurisdiction is clear as to the goals, objectives and authority of the Court.
- Strongly Agree       Neither Agree or Disagree       Strongly Disagree
- Agree       Disagree
2. The role of the presiding/chief judge in the development and framework of the Unified/Integrated Family Court in my jurisdiction is clear.
- Strongly Agree       Neither Agree or Disagree       Strongly Disagree
- Agree       Disagree

3. The role of the judicial officer in the development and framework of the Unified/ Integrated Family Court is clearly defined.

Strongly Agree     Neither Agree or Disagree     Strongly Disagree  
 Agree     Disagree

4. The role of the court administrator in the development and framework of the Unified / Integrated Family Court is clearly defined.

Strongly Agree     Neither Agree or Disagree     Strongly Disagree  
 Agree     Disagree

5. Court Administration and judicial officers in the Family Court work very closely to Develop and maintain the Unified /Integrated Family Court in this jurisdiction.

Strongly Agree     Neither Agree or Disagree     Strongly Disagree  
 Agree     Disagree

6. The Unified/Integrated Family Court in my jurisdiction has been successful by:  
(please check all that apply)

- reducing time to disposition in family court cases
- improving overall services to children and families
- implementing an integrated information system
- partnering with social service providers
- improving caseflow in family court cases
- other: (please specify) \_\_\_\_\_

7. Please check all that you feel apply. The following are important to achieving successful Unified/Integrated Family Court (in any jurisdiction).

- Information/Technology Integration
- good working relationship between court administration and Bench
- partnerships with private sector
- support from other governmental entities
- formation of a family court task force/committee etc.
- calendaring system (please circle: master, individual, other \_\_\_\_\_)
- specially assigned judges
- judicial leadership
- management of family cases (please circle: centralized, decentralized, hybrid )
- development of a pilot to test procedures
- additional or dedicated facilities
- other: (please specify) \_\_\_\_\_

Other Comments:

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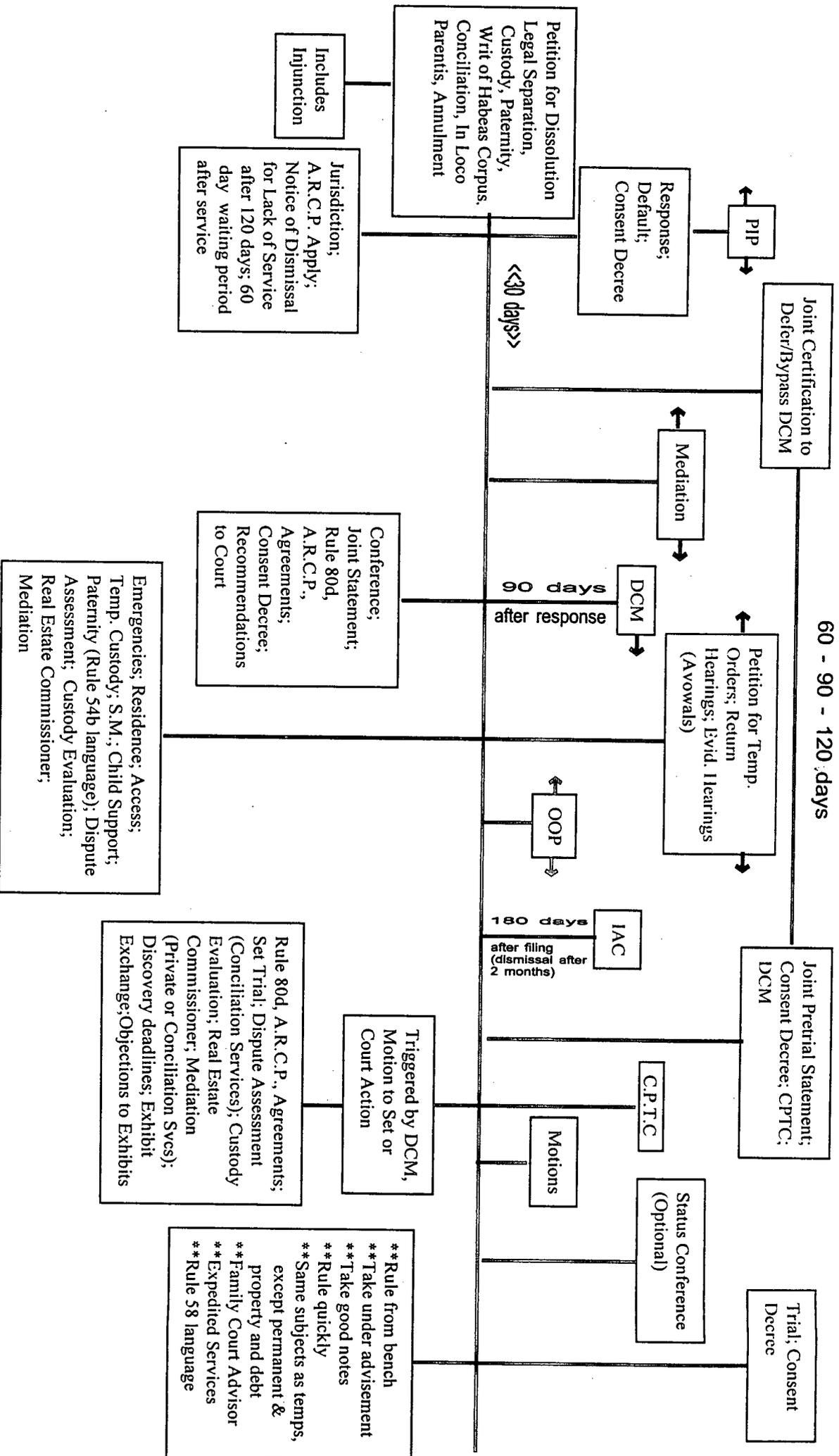
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Thank you again for taking the time to complete this questionnaire.

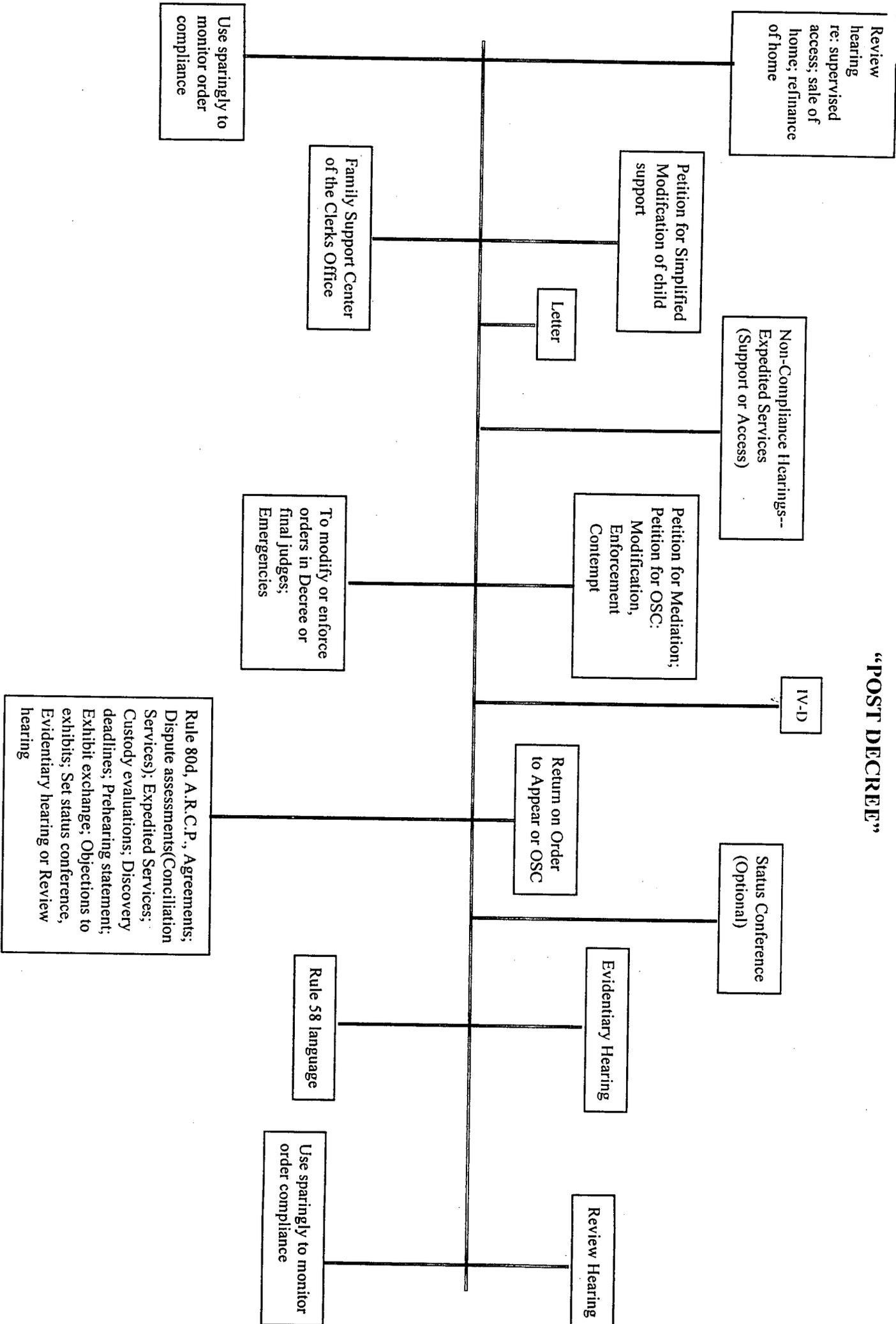
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# FAMILY COURT FLOWCHART "Pre Decree"

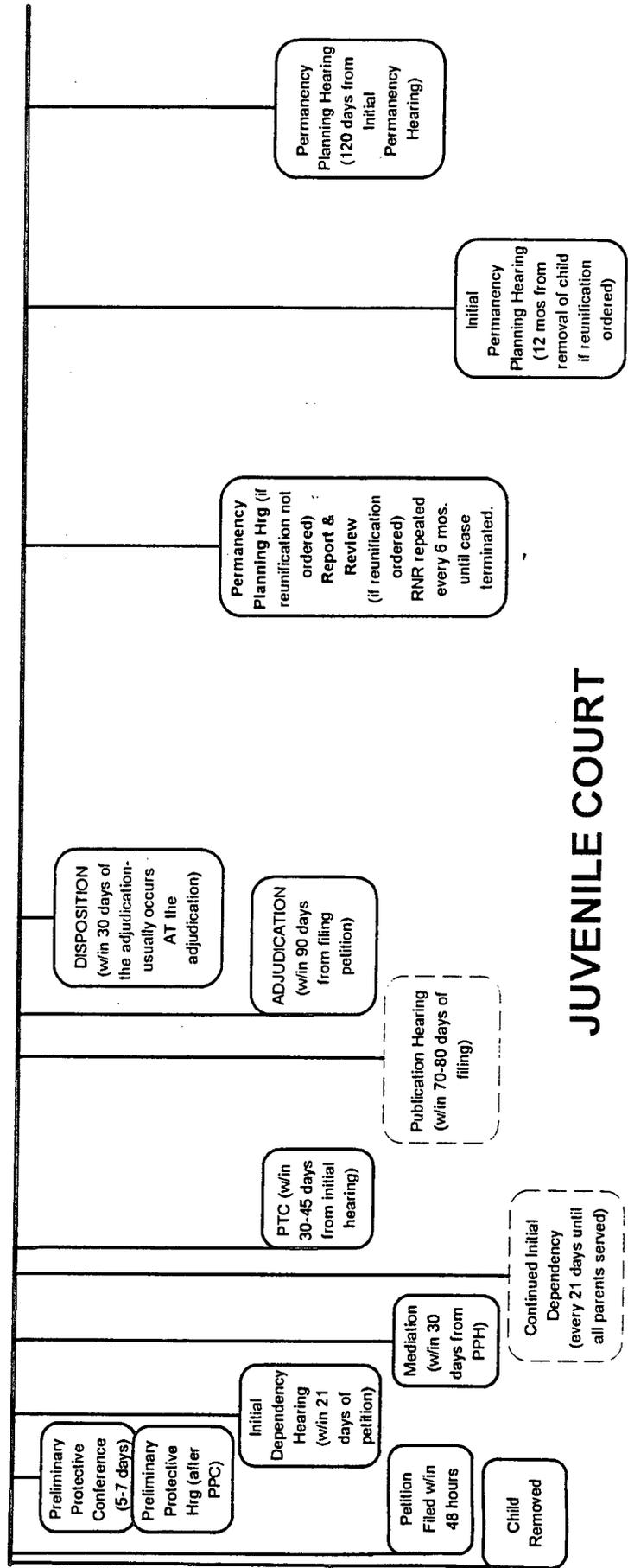


**"POST DECREE"**





# MODEL JUVENILE COURT CASEFLOW

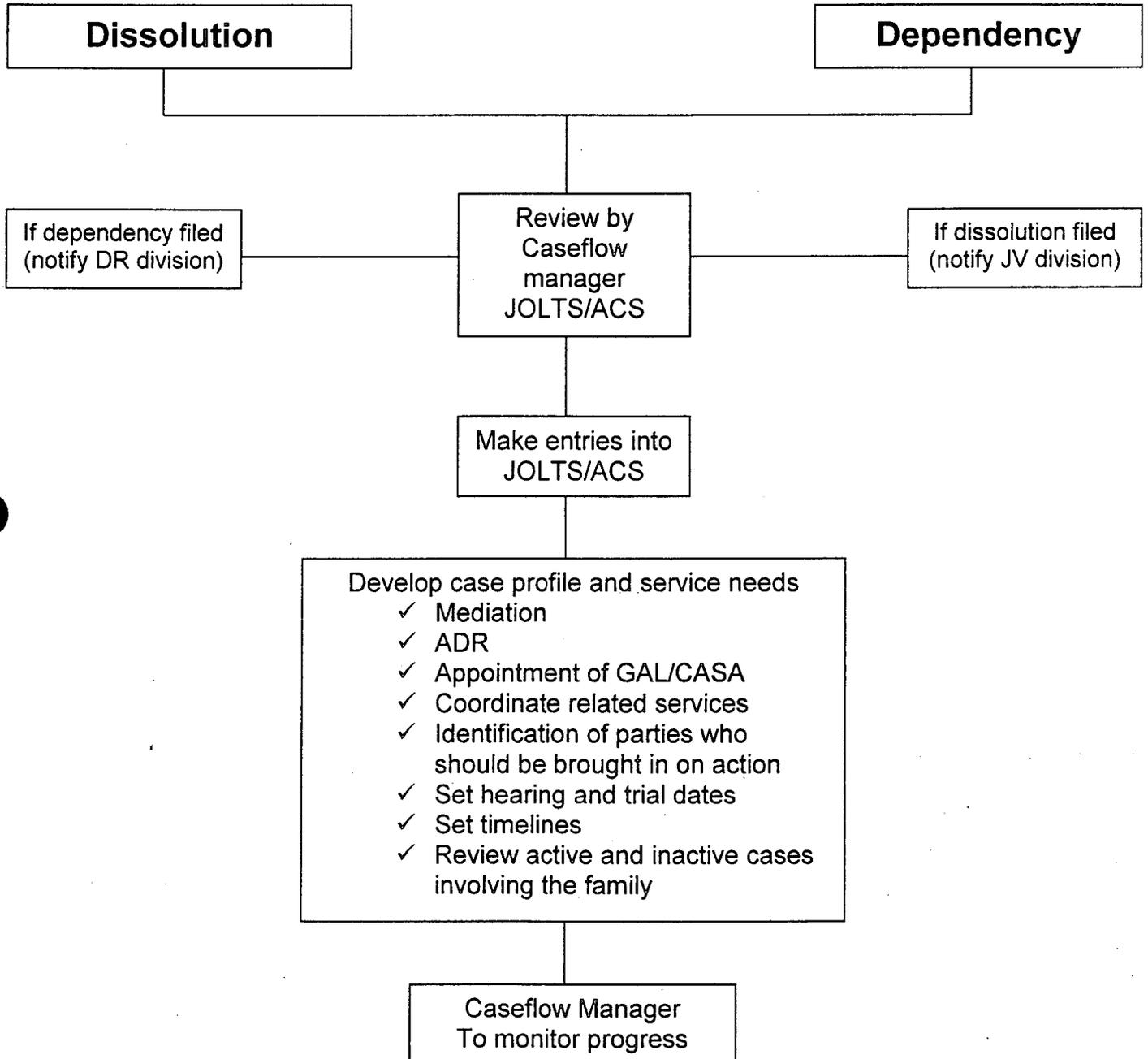


# JUVENILE COURT

# CASEFLOW MANAGEMENT

IN

## INTEGRATED FAMILY COURT







# 1999 FAMILY COURT NEW CASE FILINGS

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
601-Diss-w	596	623	750	691	694	681	680	714	681	645	586	544	7885
602-Diss-w/o	592	668	761	738	657	761	715	716	770	716	653	536	8283
622-Pat	369	424	467	451	402	443	393	478	459	433	479	483	5281
632-Vol/Pat	183	234	297	281	188	139	115	138	123	103	118	114	2033
623-Ann.	19	16	12	16	13	15	17	12	15	15	18	9	177
621-Leg. Sep.	28	18	20	22	28	37	41	34	32	33	41	26	360
628-Est Sup	93	193	256	241	283	267	247	314	285	223	260	243	2905
625-OP	110	90	113	114	105	117	113	126	105	115	115	95	1318
624-Cust.	17	10	14	16	9	14	16	15	15	6	9	14	155
629-WHC	5	2	3	1	8	3	5	2	9	6	1	4	49
631-GP Rts	12	9	2	8	3	6	9	4	4	2	3	7	69
634-Non-Par.	1	1	2	2	2	4	4	4	2	2	6	2	32
614-UIFSA	15	39	29	37	35	43	22	32	20	24	21	33	350
615-IWA	0	0	0	0	0	0	0	0	0	0	0	0	0
626-FJ	29	28	31	38	24	34	36	18	21	30	20	15	324
627-FJC	1	0	0	0	1	3	1	1	0	0	0	4	11
619-DR Trst	0	4	1	3	3	1	1	4	6	13	5	3	44
633-Reg Cust	0	0	0	3	0	1	1	0	3	0	0	1	9
630-Other	2	3	4	8	6	2	3	5	3	1	9	2	48
611-Out	0	0	0	0	0	0	0	0	0	0	0	0	0
612-In	0	0	0	0	0	0	0	0	0	0	0	0	0
613-COV	5	5	2	5	7	5	4	9	4	1	5	3	55
635-OP Appeal								1	2	0	1	3	7
636-Pat/1st/cvs								0	0	2	0	1	3
<b>TOTAL</b>	<b>2,077</b>	<b>2,367</b>	<b>2,764</b>	<b>2,675</b>	<b>2,468</b>	<b>2,576</b>	<b>2,423</b>	<b>2,627</b>	<b>2,559</b>	<b>2,370</b>	<b>2,350</b>	<b>2,142</b>	<b>29,398</b>

# TERMINATION SUMMARY FOR THE YEAR 1999

	DISSOLUTION			LEGAL SEPARATION			ANNULMENTS			PATERNITY			OTHER			TOTAL			DIV. TTL
	TO	O/T	D/J	TO	O/T	D/J	TO	O/T	D/J	TO	O/T	D/J	TO	O/T	D/J	TO	O/T	D/J	
JAN	1	297	949	0	8	22	0	4	16	0	227	199	0	103	202	1	639	1,388	2,028
FEB	0	215	1,047	0	6	17	0	4	20	0	275	305	0	112	226	0	612	1,615	2,227
MAR	1	276	1,154	0	7	27	0	3	17	0	328	314	0	99	186	1	713	1,698	2,412
APR	2	314	1,130	1	11	16	0	5	14	0	381	340	0	156	227	4	867	1,727	2,598
MAY	0	144	855	0	3	14	0	1	9	0	208	165	0	90	106	0	446	1,149	1,595
JUN	1	457	1,224	0	21	16	0	7	18	0	175	375	0	794	1,912	2	1,454	3,545	5,001
JUL	1	334	1,270	0	12	19	0	6	17	0	213	255	0	112	252	2	677	1,813	2,492
AUG	1	276	1,183	0	15	18	0	3	17	0	192	270	0	110	226	1	596	1,714	2,311
SEP	0	218	1,286	0	16	21	0	4	12	0	881	223	0	677	335	0	1,796	1,877	3,673
OCT	0	365	968	0	16	20	0	2	7	0	154	299	0	104	408	1	641	1,702	2,344
NOV	0	281	1,033	0	14	9	0	7	11	0	169	262	0	77	282	0	548	1,597	2,145
DEC	0	257	945	0	9	17	0	5	14	0	141	212	0	97	235	0	509	1,423	1,932
TOTAL	7	3434	13044	1	138	216	0	51	172	3	3344	3219	1	2531	4597	12	9498	21248	30758

# 1999 TERMINATION SUMMARY

