

Final Evaluation Report

INTEGRATED FAMILY COURT

Helping Families and Children

in

Coconino County, Arizona

May 19, 2008

EXECUTIVE SUMMARY

Coconino County Integrated Family Court: Helping Children and Families in Coconino County Arizona is the evaluation of the Court's implementation and development from December 1, 2006 through March 31, 2008 conducted by Mark Morris Associates and Joanne M. Brown Consulting. This evaluation describes the implementation of the Integrated Family Court (IFC) model, analyzes quantitative data (using 2005 as a comparison group), includes surveys and interviews with attorneys, parents, judges and service providers. The report describes the IFC's complete compliance with the "Arizona Integrated Family Court Plan" and with established court performance measures. The court performance measures include: (1) access to justice; (2) expeditious and timely disposition; (3) equality, fairness and integrity; (4) independence and accountability; and (5) public trust and confidence.

The Coconino County Family Court was also successful in achieving the specific goals identified for the court in the County's funding proposal. These specific goals for the IFC pilot are as follows:

1. Increase the use of non-adversarial processes, including Alternative Dispute Resolution methods, in family law cases to the extent possible, and discourage litigation:

Comparing the pre-IFC era with the IFC (Division VI) era, the evaluation team found that domestic relations with children cases were resolved with two-thirds fewer evidentiary hearings.

2. Expand services available in family law cases:

Funding for the IFC supported contracts for several services including: domestic violence prevention training, individual mental health counseling, extended parenting classes, substance abuse counseling, drug testing, and anger management services. In addition, the Self-Help Center's Family Law Assistance Program (FLAP) has been notably well-received by litigants; FLAP provides a particularly important service for pro se (self-represented) litigants. Participants also indicate that under the IFC, Alternative Dispute Resolution (ADR) services have been strengthened.

3. Improve service delivery in family law cases:

In addition to ongoing parenting classes, the IFC has expanded the network of community partners providing services to litigants and their families and added specialized programs such as an age appropriate "Divorce Education for Children" program. Most of these service contracts were developed near the end of 2007, and limited evidence suggests a notable increase in service referrals during the early months of 2008.

4. Streamline case flow procedures and eliminate duplicative efforts in family law cases and expedite family law and dependency cases:

The evaluation team found that domestic relations with children cases were resolved on average 90 days faster.

5. Implement the “one family – one judge” approach in designated case types:

The IFC has eliminated conflicting court orders for families on calendared dates reducing the number of high conflict cases. Creating greater accessibility to get questions answered results in a higher satisfaction for both lawyers and parties.

6. Offer additional training to all Coconino County Superior Court judges hearing family law cases and to the IFC staff:

The IFC Judge and staff have attended training conferences. As reported by other Superior Court Judges, the IFC judge has developed expertise and serves as a resource for other judges in domestic relations matters.

The direct correlation between court accessibility, increased volume of cases assigned and time to case resolution has resulted in a need for the three-quarter time position to be expanded into a full-time Judge’s position.

7. Offer additional services through the Self Help Center, including document preparation assistance:

There have been over 182 parties assisted by the Family Law Assistance Program (FLAP), which is funded by the IFC. Survey respondents were overwhelmingly positive about their experience with FLAP.

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INTRODUCTION

Legislative Background

In 2000, the Arizona Legislature assigned the Legislative Domestic Relations Committee the task of assessing how well the Arizona judicial system responded to the problems of Arizona families in crisis. The Committee was to investigate the national experience in implementing a less adversarial and more problem-solving approach for these families. A working group of family law attorneys, judges, court administrators, mental health professionals and public representatives was appointed to report on the effectiveness of the Integrated Family Court model and its potential application in Arizona.

In 2002, the Committee was mandated to draft a statewide plan for the implementation of the Integrated Family Court model. One year later, the Committee issued a plan which specified the essential elements of an Integrated Family Court in “The Arizona Integrated Family Court Plan” (hereinafter, the “State Plan”) and recommended that Arizona appropriate funds to test the model. In March 2003, the Arizona Supreme Court adopted the recommendations of the State Plan as an administrative order. In its order, the Court made three core findings: 1) families in litigation have special needs; 2) a unified approach to resolving family issues is desirable; and 3) the current court system for dealing with family issues can be improved.

The Integrated Family Law Pilot Program was signed into law (Chapter 364 B) effective July 1, 2006 and the Legislature appropriated \$850,000 from the general fund in Fiscal Year 2006-2007 to the Administrative Office of the Courts to implement the pilot program in a single county. With the support of Coconino County Government, the Coconino County Superior Court applied for the pilot program, successfully competed against other counties and was awarded the grant. The Integrated Family Court (IFC) proposed by the Coconino County Superior Court was an expansive and highly integrated model. According to the plan, it would emphasize pre-filing assistance for persons representing themselves, aid in obtaining early and out of court resolution of

issues, allow for judicial coordination outside the specific Integrated Family Court, provide training for judges and court staff, and supply funding for tailored community resources. The Board of Supervisors voted to accept the IFC pilot program award and signed the funding agreement in summer 2006. The pilot required an independent evaluation, ongoing reporting to the Committee, and a final report to the Supreme Court and the Legislature.

Integrated Family Court Model

In many ways the Integrated Family Court model is not a new model at all. It has parallels with the general jurisdiction courts presided over by judges who have some familiarity with the families appearing in court, and where the judge has the opportunity to incorporate this familiarity into his or her decisions. In such circumstances the judge is able to base decisions not only on the immediate issues at hand, but also with a view toward seeking more permanent solutions for the family's future. In contrast, the standard judicial system's case management of such matters is based on the adversarial system, which adjudicates specific discrete issues in preparation for trial – an approach criticized for not being responsive to the dynamics of families in crisis. The judicial system is criticized by parents as well as attorneys, and in many cases judges, for trying to squeeze the problems of families in crisis into the traditional adversarial models with all the rules of the civil and criminal courts. Until recently, there has been a generalized neglect of the complex dynamics of family crises.

Although the adversarial process is fundamental to American jurisprudence, there is growing recognition that this process can be destructive to families and the welfare of the children involved. This realization underlies a national movement toward a problem solving approach to domestic relations cases. In Arizona specifically, as well as on the national scale, family law cases have represented the largest and fastest-growing segment of civil caseloads during the past two decades. They now constitute more than one-third of the civil cases handled by the courts.

Also, over the past decade, there has been a skyrocketing increase in the number of persons who represent themselves (“*pro se*”) in legal matters. This change is evidenced most dramatically in domestic relations cases, where between 50% and 80% of the cases involve at least one unrepresented party. National research on family law practice shows significant change in the complexity of family law cases: an increasing number of families come to court to resolve internal conflicts and encounter a system that bifurcates issues into different courts. This, in turn, can produce inconsistent court orders resulting from adversarial methods that address the legal issues but not the underlying interpersonal issues.¹

Background of the Evaluation

In February 2007, Mark Morris Associates (MMA), with Joanne M. Brown Consulting (JBC), was retained to evaluate the Coconino County Integrated Family Court. An interim report providing an overview of the implementation of the IFC and qualitative data was submitted to the County on November 6, 2007. The report assessed the county’s progress toward meeting the State Plan recommendations as applied to local court structure and management.

This final report provides additional information regarding the implementation of the Coconino County IFC model and summarizes quantitative data (using 2005 as the comparison group). The report also describes the results of surveys and interviews of attorneys, as well as interviews with parents and judges, and comments on the IFC’s impact on overall Superior Court performance. The evaluation examines the degree to which Coconino County’s IFC meets State Plan recommendations and the specific goals of the pilot project proposal. Finally, the evaluation summarizes the evaluation findings regarding established court performance measures: (1) access to justice; (2) expeditious and timely disposition; (3) equality, fairness and integrity of the process; (4) independence and accountability; and (5) public trust and confidence. These five measures are derived from the American Bar Association’s Conference of Chief

¹ ABA Presidential Working Group (1993); Judicial Council of California’s Unified Courts for Families Initiative (2000-5).

Justices, Conference of State Court Administrators, and National Council of Juvenile and Family Court Judges.

Requirements of the State Plan

The State Plan identified five “essential elements” of an integrated family court. Due in large part to the collaborative planning between the IFC Advisory Committee, the Coconino County Superior Court, and their shared commitment to the Integrated Family Court model, the Coconino County IFC satisfied several essential elements within months of its implementation. Specifically, the Coconino County IFC is a (1) general jurisdiction trial court with (2) comprehensive family law subject matter over the entire range of a family’s related legal civil (but not criminal) issues, that (3) utilizes a “one family – one judge” model with a multi-disciplinary approach to family case management, services and resolution, led by (4) a judge who has received, and will continue to receive, specialized training to support the multi-disciplinary approach. The State Plan also calls for (5) an automated case management system. Although an automated system would provide welcome relief from labor-intensive manual procedures, this element was not funded in the Coconino County grant. It awaits further development at the state level.

On November 29, 2006, Elaine Fridlund-Horne was sworn in by Presiding Judge Fred Newton and assigned to the Integrated Family Court (designated as “Division VI”). Judge Fridlund-Horne brings to the bench a broad background in civil practice, specifically, family law. Her judicial assistant was hired December 1, 2006 and the IFC began accepting cases on the same day.

On June 25, 2007, Division VI relocated to a dedicated and redesigned space in the Coconino County Superior Courthouse. Accommodations include administrative space for the judicial assistant and support services. A compact but comfortable courtroom is adjacent to chambers and the administrative office. Division VI has sufficient space, equipment and furnishings and is accessible to the public.

Division VI has jurisdiction over dependency cases, guardianships, orders of protection, and family law proceedings. It may exercise authority over injunctions against harassment, petitions for guardianship, and conservatorships of incapacitated persons where these may affect a pending IFC proceeding. By order of the Presiding Judge, Division VI does not have subject matter authority over criminal domestic violence, enforcement of orders of protection, or juvenile delinquency. As of January 1, 2007, all family law matters involving children, all family law defaults with or without children, all adult guardianship and minor guardianship matters, and one half of dependency proceedings were filed in Division VI.

The IFC, including the infrastructure that supports the court, has satisfied all the recommendations of the State Plan relating to local court authority and structure.

DESCRIPTION OF THE COCONINO COUNTY INTEGRATED FAMILY COURT PILOT

Goals

The goals for the IFC are expansive. The grant proposed that the IFC would:

1. Increase the use of non-adversarial processes, including Alternative Dispute Resolution methods, in family law cases to the utmost extent possible and discourage litigation;
2. expand services available in family law cases;
3. improve service delivery in family law cases;
4. streamline case flow procedures, eliminate duplicative efforts in family law cases, and expedite family law and dependency cases;
5. implement the “one family – one judge” approach in designated case types;
6. offer additional training to all Coconino County Superior Court judges hearing family law cases as well as to IFC staff; and
7. offer additional services through the Self Help Center, including document preparation assistance.

Advisory Committee

The IFC pilot was designed over a three year period with the involvement of a committee of lawyers, court staff, judges, and a member of the Board of Supervisors. During that period, the IFC Advisory Committee formed subcommittees to plan for the implementation and services array that the IFC would offer to families. Since the implementation of the IFC, the Advisory Committee chaired by Judge Fridlund-Horne has been reconvened and expanded. The thirty-plus members from the public and private sector divided into three subcommittees named “Community Outreach”, “Funding”, and “Service Providers”. A fourth subcommittee, “Operations”, was established in April 2008. Advisory Committee members include faculty from Northern Arizona University, Executive Director of the Guidance Center, a Superior Court Judge, representatives from the District Attorney’s Victim Witness Program, the Public Defender and County Attorney’s Office, Director of Juvenile Court Services, the Drug

Court coordinator, a representative from Big Brothers/ Big Sisters, three local private attorneys, and two experts on child development.

Enhanced Services

The court issued requests for proposals (RFPs) for specialized family services approximately six months after the IFC began operations. However, the community-based providers for many of the services were not under contract until late 2007 or early 2008. Specialized family services include: drug testing; anger management; domestic violence assessment and treatment; substance abuse/ behavioral health assessment; counseling; divorce education for children; intensive parenting education; supervised exchange; supervised parenting time; and supervised therapeutic parenting time. If parties are deemed indigent, arrangements can be made for a best interest attorney or court appointed advisor (as provided for in the revised Family Law Rules) to be provided through the IFC pilot's funding. Custody evaluations and mediation are also included in the IFC pilot as part of the court's Alternative Dispute Resolution (ADR) program.

The Coconino County IFC model is designed to provide enhanced services to petitioners, respondents, and their families during the course of the legal proceedings. The program and services did not completely begin operating until late in its first year, data on the frequency – and success – of service referrals are limited. In the cases which reached resolution prior to March 31, 2008 (the cut-off for data for this report), parenting classes comprised the only service ordered and attended with any frequency. A handful of the parenting class referrals were to *extended* parenting classes, few litigants had been referred to domestic violence and anger management counseling or behavioral health assessment/ counseling.

It should be noted that because most services were not available until roughly the fall of 2007, it is likely that the majority of services ordered and completed occurred in cases which were still pending as of March 31, 2008. For example, fifty-nine litigants in cases not resolved before March 31 had been, according to IFC records, referred to drug and alcohol testing. As of March 31, 2008, twenty children had completed or were currently

attending the Divorce Education for Children Program. This program is divided into two age groups to ensure that the material is presented in the most age appropriate way, the classes now occur on Saturdays in order to accommodate younger children. Since the extended parenting program began, forty parents have either completed or are currently attending the program.

Although complete information is not available at this writing, the data suggests that the use of service providers is increasing and will continue to grow if resources are available.

Self-Help Center

The IFC model included funding for expansion of the Self-Help Center, which is operated through the Law Library in the Superior Court Courthouse. Through the IFC grant, the scope of the Self-Help Center was significantly expanded. Initially, the Self-Help Center provided copies of written pleadings with instructions on how to complete the necessary legal forms (family law, protective orders, guardianships, landlord tenant issues). Through the Family Law Assistance Program (FLAP), the program now offers a face-to-face review of these forms, as well as a thirty-minute legal consultation at no cost. The Self Help Center was expanded as part of the IFC effort to better serve all persons involved in domestic relations disputes and assist the increasing numbers of persons who are representing themselves in court.

In planning for the IFC, the Advisory Committee recognized that one of the most significant causes of continuances in family law matters, as identified by court clerks and judges, was the failure of parties to submit properly completed forms or submit a financial questionnaire, and/ or their failure to exchange financial information with one another. This in turn caused multiple continuances that routinely exacerbated the already-congested court calendar, making it difficult for parties to secure timely and appropriate relief. Since December 1, 2006 (at which point all domestic violence cases were assigned to the IFC), the director of the Self-Help Center has had direct access to

the judicial assistant and when necessary, to the judge, in order to answer the parties' questions for clarification regarding court orders, and "next steps."

The Self-Help Center now affords parties representing themselves the opportunity to have their court forms reviewed in a pre-filing meeting, and if necessary, to have questions answered by a family law attorney. All questions are screened to confirm that they are family law related and not questions of significant legal complexity. If the particular question is of significant legal complexity, a list of local lawyers is provided. If the question meets the criteria, a no-cost thirty minute appointment is scheduled with a FLAP attorney. As of March 31, 2008, the waiting list for a FLAP appointment was two weeks. A waiting list of this length demonstrates not only the effectiveness of the program's outreach, but also the need for such a service.²

FLAP began operations on July 9, 2007 staffed by two experienced family law attorneys (alternating weeks) who advise parties representing themselves. Consultations take place in a designated conference room in the courthouse from noon to 1:00 pm. The most common requests are for calculation of child support, assistance in completing necessary forms, assistance in obtaining service of process, and enforcement of parenting plans. Each of these issues is a frequent cause of continuances in family courts, and each contributes to court workloads and costs. For example, according to the court clerk supervisor, it takes approximately twenty-six minutes to open up a new domestic relations case and an additional eight to ten minutes to file and docket the motion and send it to the appropriate judge. Motions that are calendared for a response or reply take approximately ten minutes. Cases with child support issues are more time consuming and take approximately forty minutes to insure that the necessary information has been provided, corrected, completed and docketed. The longer cases take to reach resolution – whether the case is complex or because paperwork needs correction – the time and costs multiply.

² On April 16, 2007, an ethics opinion was obtained from the Arizona State Bar Ethics Department regarding the operation of FLAP as a pro bono program under ER 6.5. The opinion addressed the need for a signed informed consent specifying the very limited terms and scope of the consultation to be provided and acknowledging that the court is paying the legal fees. As a matter of personal practice, FLAP attorneys also conduct their own personal conflict checks to insure that they do not have an ethical conflict with providing legal advice in a particular instance.

Division VI (IFC) in Operation

Cases assigned to Division VI are reviewed by Judge Fridlund-Horne and by her judicial assistant in order to monitor compliance with the Family Law Rules and identify potential problems. The judicial assistant records all activity on each case including referrals to mediation and resolution management conferences. This practice has prompted discovery and sharing of information, contributing to a greater number of early settlements, and reduction in the number of contested matters. Cases are automatically set for a Resolution Management Conference (RMCs) forty-five days after the response to the petition is filed. The RMC allows the court to monitor discovery and the statement of the parties' respective positions on all the relevant issues (i.e. the exchange of financial data).

When an individual appears *pro se*, Judge Fridlund-Horne explains the rules of procedures of the family court processes (i.e. why a party must communicate with the other side and/ or opposing attorney and what documents must be exchanged or filed with the clerk). This time and capacity for direct communication from the bench is especially important given the increasing number of persons who are not represented by a lawyer in family law matters. As an example of a sampled week in Division VI, two cases had attorneys representing both parties; six cases had only one side represented by counsel; and in the remaining ten cases, both parties represented themselves. Nationally, it is estimated that in approximately 75% of the family law cases, one or both parties are unrepresented by a lawyer. Data collected during the evaluation period for the IFC shows that only 12% of the cases had counsel appear for both parties.

Due to the close monitoring of cases, there has only been one trial continued in Division VI since it was established; this continuance was due to the strict statutory deadlines in juvenile dependency matters. The number of cross-over cases between family law and dependency cases (a total of four) has been modest, as anticipated. Judge Fridlund-Horne has not been challenged or been recused in any matter. The few cases that were not resolved prior to trial were limited issue trials, with parties being in agreement on all but a few specific issues. Of the cases that have appeared post-decree since the

initiation of the IFC, one was dismissed, another involved criminal domestic violence allegations, and many required a more detailed parenting plan.

Alternative Dispute Resolution (ADR)/ Mediation

Another service linked to the IFC is parenting time mediation. Although Alternative Dispute Resolution is available to parents in domestic relations matters where parenting time is an issue, the parents have an opportunity to meet with a neutral mediator who will work with them to resolve crucial issues. The mediator reports to the IFC Judge if an agreement has been reached. According to the mediator, the parents referred from Division VI seem more prepared to reach a settlement, have some understanding of the norms for parenting plans, and are generally more accepting to learn new parenting skills to be successful in co-parenting. ADR records show that 60% of the parents were able to reach a full agreement on a parenting plan, compared with approximately 28% that were unable to reach an agreement on any issues.

The custody evaluation is another important resource used in domestic relations cases. Its purpose is to provide guidance to the court regarding the important issues of child custody and parenting plans, and how the parents will share ongoing responsibility for their children. Full custody evaluations are expensive (\$3,000 to \$4,000 on average) and depending on the complexity of the issues and the necessity for psychological evaluations, interviews can require three to four months to complete. Also, in communities outside of metropolitan areas such as Flagstaff, there is often a lack of qualified professionals to conduct the evaluations. Prior to the implementation of the IFC, the full custody evaluation was the norm. According to data collected from the ADR office in FY 2007-2008, of a total of twenty-five referrals coming from all the Divisions, fourteen were for “focused evaluations” which are less costly, less complicated, less intrusive for the parents and can be completed in one-third of the time it takes for a full evaluation to be completed. Focused evaluations identify specific questions for which the Court seeks an answer, e.g., the impact of a parent’s mental health condition on the visitation schedule, or the allocation of school vacations. An additional benefit of this approach is that the parties are better prepared to participate in

the evaluation because they are aware of the intent of the evaluation and can be more engaged in the process. Focused assessments are more likely to be ordered when the judge has thorough knowledge of the family and has isolated the information to bring the case to resolution. By having dedicated community resources, judges can now refer parents for timely mental health and/ or substance abuse assessment which can significantly assist the court in tailoring both temporary and permanent orders.

In summary, the implementation of the Coconino County Superior Court Integrated Family Court has satisfied the goals identified in its grant proposal and is continuing to meet the ongoing goals. Notably, the IFC has eased access to the court while simultaneously increasing mediation, testing and assessment, and counseling services for litigants. Data presented in later sections of this report will also document the IFC's success in expediting case resolutions.

THE IFC EXPERIENCE: COMMENTS OF ATTORNEYS, LITIGANTS, AND JUDGES

To gain a more thorough understanding of the operations of the Integrated Family Court, the evaluation team sought comments from those who are most engaged within the Court.

Coconino Family Law Practitioners

To obtain the perspective of family law attorneys in Coconino County in a systematic manner, the evaluation team crafted an attitudinal survey and distributed it using Survey Monkey ®. A random sample was taken from a list of attorneys who practiced family law in the County, had appeared in the IFC, and/ or who had attended the IFC Attorneys' Forum in June, 2007. Attorneys responded to the survey between January 14, 2008 and March 25, 2008.³ According to the data, eighteen of the twenty-eight attorneys responded to the survey, for a response rate of 64%. The brief survey⁴ was designed to gather information about respondents' assessment of the impact of the Integrated Family Court on the overall ability of the Superior Courts to respond to the needs of families. Respondents were also asked to evaluate how the IFC and its specialized client services affected their family law practice and the impact on their clients.

Legal Experience of Attorney Respondents: On average, the typical attorney who responded to the survey had been in practice for sixteen years⁵ and had practiced law in Coconino County for a little more than twelve years. Two-thirds of the respondents (67%) were sole practitioners, while the remaining third worked in small firms with two to five attorneys. According to the respondents, their law practices focused primarily on dissolutions, followed by child custody matters, conservatorships, guardianships, orders to show cause, domestic violence, default dissolutions, and contempt cases.

³ Attorneys who had previously opted out of Survey Monkey ® or who had difficulties accessing the website and contacted the evaluation team were faxed a copy of the survey to be completed and returned by fax or mail to Mark Morris Associates.

⁴ The mean length of time to complete the survey was 8.61 minutes; the minimum time to complete was 3 minutes and maximum time to complete was 29 minutes.

⁵ The minimum length of time working as an attorney was one year and the maximum was thirty years.

Table 1: Attorneys' Cases by Type During Calendar Year 2007

Case Type	Number of Respondents	Mean Number of Cases	Minimum Number of Cases	Maximum Number of Cases
Dissolutions	17	18.00	0	100
Child Custody	17	11.59	0	40
Conservatorships	14	9.71	0	45
Guardianships	16	9.19	0	20
Orders to Show Cause	16	8.63	0	22
Domestic Violence	16	8.56	0	50
Dependency	15	8.20	0	50
Default Dissolutions	17	5.06	0	20
Contempt	14	3.64	0	11

Knowledge of the IFC: The evaluation team also inquired about how these attorneys gained information about the Integrated Family Court. In the time between the initiation of the IFC (December 1, 2006) and the survey, the typical attorney respondent had appeared in the IFC on approximately four separate cases.⁶ Most attorneys (57%) said they learned about the IFC by representing clients in court. Fifty percent of the attorney respondents had independent knowledge of the IFC or had learned about the IFC through the June 2007 Attorneys' Forum. Approximately one-fifth (22%) learned about the IFC from their colleagues, 11% learned about the IFC from the press, and one attorney was involved in the planning of the IFC. These patterns are detailed in Table 2.

Table 2: Attorneys' Involvement in the IFC

Attribute	Frequency	Percent
Attorney regularly appears in the IFC.	10	57%
Attorney is generally informed about IFC.	9	50%
Attorney attended the attorneys' forum in June 2007.	9	50%
Attorney learned about the IFC from other attorneys.	4	22%
Attorney read an article in the newspaper about the IFC.	2	11%
Attorney was involved in the planning of the IFC.	1	6%

⁶ The mean number of cases was 3.88; the minimum number of cases was 2 and the maximum number of cases was 6.

Attorney Attitudes Toward the IFC: Most (88%) of the surveyed attorneys regarded the IFC as “very efficient” (47%) or “efficient” (41%) in the management of family law cases; 12% were undecided about the efficiency of the IFC. Attorney respondent attitudes toward the IFC were uniformly positive. None of the respondents “strongly disagreed” with any of the seven attitudinal statements listed in the survey. Most of the respondents expressed their opinion that the IFC saves them time, saves their clients’ time and money, and results in the cases being resolved more expedited time frame. Respondents were largely unsure if the IFC was more efficient with respect to juvenile dependency matters. The distribution table below illustrates attorney’s attitudes provided in the survey.

Table 3: Attorneys’ Attitudes Toward IFC

Item	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
Overall, I feel the IFC saves time for me	7 (41%)	5 (29%)	4 (24%)	1 (6%)	0 (0%)
Overall, I feel the IFC saves time for my clients	7 (41%)	4 (24%)	5 (29%)	1 (6%)	0 (0%)
Overall, in my experience I believe that the IFC saves money for clients...cost, lost work, etc.	9 (53%)	3 (18%)	4 (24%)	1 (6%)	0 (0%)
Overall, my cases have been resolved more quickly through the IFC than in the previous court structure	7 (41%)	6 (35%)	3 (18%)	1 (6%)	0 (0%)
In my experience with the IFC in juvenile delinquency matters, I have found the court process to be more efficient	2 (13%)	1 (6%)	13 (81%)	0 (0%)	0 (0%)
In my experience with the IFC in juvenile dependency matters, there are fewer delays in reaching permanency	2 (13%)	1 (6%)	13 (81%)	0 (0%)	0 (0%)
In my experience with the IFC in juvenile dependency matters, I have found that decisions were made in a more timely manner	2 (13%)	2 (13%)	12 (75%)	0 (0%)	0 (0%)

The attorney survey included a list of “positive” attributes to be checked off as to whether the respondent *perceived* the attribute in their experience with the IFC. According to the respondents, the judge’s availability for settlement negotiations and a less-congested calendar resulted in the most positive features of the IFC. In descending order, the following features were identified as valuable: the judge’s greater knowledge about the case, better access to the court, fewer continuances, the certainty of trial dates, reduction in the need for motions, less conflict during discovery, and earlier production of discovery. See Table 4 below.

Table 4: Perceived Benefits of the IFC

Positive Attribute	Yes	No
Judge is more available for settlement negotiations	13 (72%)	5 (28%)
Court calendar is less congested	13 (72%)	5 (28%)
The judge is more knowledgeable about my case	12 (67%)	6 (33%)
Better access to the court	11 (61%)	7 (39%)
Fewer continuances	9 (50%)	9 (50%)
Date certain for trials	8 (44%)	10 (56%)
The IFC has reduced the necessity of motions	7 (39%)	11 (61%)
Discovery produced with less conflict	5 (28%)	13 (72%)
Discovery produced earlier	4 (22%)	14 (78%)

The survey also listed “negative” attributes/ features to be checked off regarding their experience with the IFC. Less than one-quarter (22%) of the attorney respondents identified any negatives, e.g., “too much emphasis on the front end of the case” (22%), “too much pressure to produce discovery” (17%).

Follow-up interviews: Individual interviews of a sampling of Coconino County Attorneys in private practices confirmed the overall assessment from the electronic survey. Their responses included the following:

- *“Division VI, the Integrated Family Court, is working but needs more time... I wish she (Judge Fridlund-Horne) could take all the cases; she is an excellent judge with real world experience in domestic relations practice... the IFC should be full time.”*

- *“Very impressed with the operation of the court, early court attention helps parties understand expectations and be prepared to provide information and compromise... in one high conflict case, we resolved the temporary orders in one RMC, the judge did a great job, and before the trial date, we settled the case.”*
- *“Another case which was consuming everyone, parties and attorneys, we were able to resolve through a three to four-hour settlement conference with the active involvement of the judge in Division VI.”*

Initial opinions that spending more time “up front” in the first months of the case would have made it harder to get a trial proved untrue. Attorneys reported an expedited manner of scheduling which allowed them a better chance to prepare evidence in order to better argue their cases. The attorneys particularly valued the specialized services now available to their clients. For example, attorneys cited the critical need for supervised visitation services and identified another obstacle to settlement as the high cost of a third party/ professional visitation supervisor. Costs, in this instance, refer not only to economic cost but also to emotional toll and challenges posed by logistics. Having objective third person supervision during the exchange of the children between parents can facilitate the parent-child relationship and ultimately help to resolve cases. Attorneys offered the opinion that the detailed parenting orders issued by Judge Fridlund-Horne early in the proceedings were particularly helpful because they enabled parents to restore some measure of order to their lives. Having parenting orders in hand “lifted a load off their shoulders”, helping them focus on their other responsibilities.

Another important conclusion among the attorneys interviewed was that the IFC was significantly improving the overall efficiency of the court system. One attorney noted that “it is really difficult to do everything—every area of the law – well and keep up with changes in the law, court rules, technology, etc. We need a full time court for families with full-time support staff.” According to another attorney, “[t]he IFC court is very well organized, which saves me time and saves my clients’ money. Avoiding conflicting orders and conflicting appearances in

different courts is a tremendous asset to law practice. I can better advise my clients because of the predictability and consistency due to a single judge.” Another attorney added, “Having the right services available to my clients, particularly the extended parenting education for parents who could become high conflict cases, has made a tremendous difference for my clients. This class focuses on the impact of the parents’ conflict on their children and helps them learn how to co-parent more confidently.”

Parent Interviews

The evaluation team also interviewed twelve parents who participated in mediation during FY 2007-2008. The parents’ experience and their responses to the IFC varied but were overall very positive.

- *We were both unrepresented: The [non-IFC] judge did not enforce order to H to report efforts to gain employment... this was in a different court... this judge did not seem to remember or have the time to follow-up... so he kept giving him continuances. I felt it was unjust and I ended up assuming his debt, although judge ordered him to repay me.*
- *Neither of us had attorneys this time. I went to court # 6 [IFC] – the Judge bent over backwards to give me every chance; we had a couple of continuances because we had reached an agreement but she pulled out. I think the court must enforce deadlines and court orders; ultimately, we had a quick trial and the judge agreed with me and enforced the agreement.*
- *I was represented by an attorney. The judge was very empathetic; mediation helped me feel protected; the judge helped me prepare for the financial mediation by telling me what to expect; I was very impressed she moved things along and helped me appreciate that it was better to try to work things out than continue to refuse to negotiate.*
- *The Judge seemed very knowledgeable and prepared and respectful. It took some time but that was what we needed to work things out between the two of us. Having a judge who is a specialist in this kind of law was important to helping us work on a settlement.*
- *We both were represented by lawyers. I knew it was a specialized court for families. It was very organized and comfortable and the judge answered all our questions. The clerk was very helpful also and answered all my questions. Although it took more time to resolve than I had anticipated (one year), it was more due to the lawyers than the judge. It is helpful to set aside a specialized court because of the complex issues that families have.*

- *Everyone should have to go through the extended parenting classes. Neither of us had attorneys.*

FLAP Client Surveys

In September 2007, FLAP began distributing a six question survey to parties immediately following their consultation. The survey was distributed to 167⁷ litigants who received FLAP assistance from September 2007 through March 2008; of those, 121 surveys were returned, for a response rate of 72%. The responses from those who completed the survey were very positive. All agreed that the FLAP attorney answered their questions, that their participation helped them feel more comfortable with the court process, that as a result they had a better understanding of how the court works, and that they felt more knowledgeable about what they needed to do next. The respondents were unanimous in reporting that they would recommend FLAP to another person in their situation.⁸ The comments below excerpted from the surveys are illustrative of these opinions:

- *"This program is great. I feel much more comfortable about my situation."*
- *"I was completely clueless about the court, prior to talking to her (the FLAP lawyer)."*
- *"I now have a checklist for incomplete questions and know how to complete the forms."*
- *"A great service... I am very grateful for the service."*
- *"Without programs like this one I would be lost with what to do next... keep it going."*
- *"My case was confusing, so I really needed the help."*
- *"This helped me to know where to begin... the attorney helped me feel at ease with the entire process."*
- *"I got straight answers and felt much more confident about my case."*
- *"Really helped with what to do next... Feel a lot better about proceeding with filing my papers."*
- *"An invaluable and very helpful service. This opportunity has allowed me to save my and the court's money and time. I also have a better piece of mind that I can do this. Thank you."*

⁷ From September 2007 through March 2008, a total of 182 individuals received assistance from the FLAP.

⁸ Ninety-nine percent had their questions answered; 97% feel more comfortable with the court experience; 95% better understand how the court works; 99% feel more knowledgeable about what to do next; and 99% would recommend FLAP to another person in a similar situation.

Interviews with Judges

Near the conclusion of the evaluation period, all Coconino County Superior Court Judges were interviewed, with the exception of Presiding Judge Fred Newton, who was not available during the evaluation team's site visit in January 2008. These interviews, one full year after the implementation of the IFC, sought the judges' impressions of the pilot and the impact, if any, on their courtrooms and the judicial system. The following summarizes their opinions and observations of the bench in several important areas:

Impact on caseload management: The consensus of the judges is reflected in this statement from one judge: "The impact has been 'very significant'. Lots of pressure has been lifted off my trial calendar, I can get to my civil calendar... I can move domestic relations cases along much faster as well, in contrast to in earlier years when I would have to bump domestic relations cases sometimes for criminal cases and deadlines." Judges report having more time to focus on complex issues, as well as time for better preparation, especially in the law and motions area (including summary judgment motions). In addition, continuances are shorter, allowing for better control over the court calendar. "The disruption to my court calendar caused by the need to respond to applications for emergency orders characteristic of domestic relations cases has been eliminated."

Convenience: An IFC is especially important in a rural county where people may have to drive for several hours to get to court. One judge stressed this particular problem for families in Coconino County and observed, "Now, they know that their case will be heard and services are available. FLAP also helps because they can get referred if they can't afford a lawyer and get their questions answered."

Reduced number of continuances: The following comments reflect the consensus of the judges that their overall calendar has greatly benefited from the IFC. "I can keep up with my cases even when I am in trial. In 2005 that would have been impossible." Family law is a complex area of the law and "I have to

refresh my recollection in each and every type of new case”. With the transfer of the DR cases to Division VI, there is more time to research complex cases and write detailed opinions. “Despite many working weekends for myself and my staff, I felt like it was often triage... now, although we are still very busy, I feel that I have sufficient time to avoid triage and offer parties the opportunity for full settlement conferences. And, as a result we are able to settle almost 100% of the cases set for settlement conference.” The IFC court “allows me to set hearings in my other cases more quickly; being able to do so helps people solve their problems more quickly... Being able to frontload services or mediation or a hearing moves the case to resolution, saves money for the parties, and keeps things from getting worse for children as well as the parents.”

IFC has evolved into a “resource court”: IFC is a “resource court” for other courts tasked with processing other domestic relations cases. Some judges use orders developed in Division VI as models for their specialized orders. In addition, they regularly receive information from the IFC judge on new developments in domestic relations law and consult with her about their specific cases and service needs.

Reduced likelihood of conflicting orders: One of the most frustrating problems for families is trying to comply with conflicting orders from different courts. Domestic relations orders issued by one judge may inadvertently conflict with orders made in juvenile court or emergency protective orders (EPOs). The improved tracking of families through the IFC has virtually eliminated this problem.

Pre-IFC, specialized services were not available for families: Prior to the establishment of Division VI, the Courts’ approach to services was gradual, and there was no clear channel for referrals. The new court benefits from Judge Fridlund-Horne’s expertise in family dynamics and family law, as well as her relationships with service providers in the Flagstaff area, which has helped in the

identification of specialized services. All the judges have a chart of contracted IFC services which includes information on eligibility criteria and fees. One judge commented, “Finally, we have the supervised parenting exchange services and therapeutic parenting time services available to us. In rural communities such as Coconino County, you have to trust major providers... we have someone in Judge Fridlund-Horne to guide the use of our resources to guide families work through their conflicts.”

The IFC brings greater legitimacy in response to families and children: In the words of one judge, “It shows that we care. The IFC and the related process help us overcome the natural dissatisfaction with family courts and frustration.” This is especially important because of the “steady increase in the total number of cases and of cases where one or both parties are unrepresented,” reported one judge. “For judges the most important decision generally is custody and parental access... this requires lots of information about the parents and the child and substantive knowledge (e.g., about child development, domestic violence, and child abuse) having a specialized court which has the time to weigh all this evidence leads to good decisions.”

COURT PERFORMANCE MEASURES

Introduction

Following are recommended measures of court performance that provide a format for assessing the overall quality of the Coconino County Integrated Family Court.

Access to justice: Families need to have easy-to-use and affordable access (in terms of both cost and duration of litigation) to courts where proceedings are understandable, especially to parties, without lawyers.

Expeditious and timely disposition: Courts need to provide effective and efficient case processing from intake to resolution that limits delays in the handling of individual and interrelated cases, minimizes exposure of family members to highly charged proceedings that can be emotionally damaging, and enables the family to resolve subsequent disputes with a minimum of legal intervention.

Equality, fairness and integrity of the process: Courts need to coordinate all the relevant family information and provide judicial officers who have been appropriately trained to ensure adequate individual attention to the issues involved in each case, maximize the consistency of treatment across cases, and minimize conflicting court orders. Courts may also need case monitoring after disposition.

Independence and accountability: As part of being accountable for effective use of public resources, courts need to coordinate their support of families with human service agencies and the community at large. A basic premise of a therapeutic family court is that legal issues are not resolved without consideration of other personal and social issues. Courts need to collaborate with external service agencies to provide the treatment that families may need. At the same time, Courts must maintain the institutional independence needed to be a neutral

entity for making the necessary decisions when families have conflict with social service and treatment agencies.

Public trust and confidence: Courts need the trust and confidence of the public to maintain a credible role in addressing family legal issues. A court “which is available to the public, which offers timely, responsive and appropriate dispute resolution, and which functions fairly and independently will earn the trust of the public it serves.”⁹

Access to Justice

Previous discussions have pointed to the IFC’s success in working with clients, including special emphasis on providing access to *pro se* litigants. A central effort of this evaluation was to collect and analyze quantitative information about IFC clients and its case types. The following discussions profile clients and cases that came into the IFC during its first sixteen months of implementation (December 2006 through March 2008).¹⁰

Between December 1, 2006 and March 31, 2008, five hundred thirty-five (535) cases were assigned to the IFC; three hundred and sixty-five (365) of these cases reached resolution by March 31, 2008. In the following discussion, some of the case/ litigant profiles include all cases assigned to IFC, but further discussions typically refer to the 365 completed cases. Additionally, the “N” (total cases included in a particular table) also varies because of different degrees of completeness of the data for the variable described.

Demographics: According to the data displayed in Table 5, about two-thirds of the petitioners were female. The mean age of petitioners and respondents was approximately thirty-nine years of age at the time of the first case filing. The

⁹Flango, Flango, and Rubin, 1999.

¹⁰ The Integrated Family Court model seeks to have multiple cases involving a single family heard in the same court. In Coconino County, the jurisdiction of the IFC (Division VI) applies to civil matters. Hence, it is possible for a family to have a multiple matters, such as conservatorship and dissolution of marriage, heard in Division VI concurrently. The evaluation accounts for this by collecting information on the multiple cases and tracking them according to which case was filed first in the court. The following discussions review outcomes based on the “first court case.”

youngest petitioner was nearly twenty years old, and the oldest was approximately seventy-one years of age. Among respondents, the youngest was about twenty years of age and the oldest was approximately sixty-eight years of age.

Table 5: Gender of Petitioners and Respondents

	Number	Percentage
Gender of Petitioners		
Female	235	65%
Male	127	35%
Total	362	100%
Gender of Respondents		
Female	128	35%
Male	234	65%
Total	362	100%

Two-thirds of the IFC cases involved families with children. There were a total of four hundred seventy-seven (477) children in the families that came into the IFC during the study period. According to the data, 245 cases involved one or more children; of these, 42% involved one child, 33% involved two children, 16% involved three children, and the remainder (9%) of the cases involved between four and six children.

IFC Case Profile: As discussed earlier, beginning in December 2006, the IFC assumed jurisdiction over many family law cases that were originally assigned to other Divisions. Table 6 below illustrates that approximately one-third of the cases handled by the IFC during the study period originated in courts outside of Division VI. Nearly all of the “non-IFC” cases were resolved during the study period, and about half of the cases originating in the IFC had been resolved by the end of the study period. Of those case that have yet to be resolved, 94% originated in IFC. Of those cases that have been resolved, half originated in the IFC.

Table 6: Court Division Where Case Began – Resolution Status as of March 31, 2008

Court Division	Resolved and Unresolved Cases		Unresolved Cases		Resolved Cases	
	Number	Percent	Number	Percent	Number	Percent
Division I	51	10%	3	2%	48	13%
Division II	42	8%	1	1%	41	11%
Division III	27	5%	2	1%	25	7%
Division IV	36	7%	2	1%	34	9%
Division V	37	7%	2	1%	35	10%
Division VI – IFC Court	339	64%	157	94%	182	50%
Total	532	100%	167	100%	365	100%

Table 7 below displays the gender of petitioners and respondents in the two predominant types of proceedings heard in IFC during the evaluation period: default dissolutions and domestic relations with children. These two categories accounted for 85% of the total caseload. Of cases with female petitioners, 51% involved default dissolutions and 49% involved domestic relations with children cases. Of cases with male petitioners, 41% involved default dissolutions and 59% involved domestic relations with children and 41% involved default dissolutions.

Table 7: Cross Tabulation of Petitioner and Respondent Gender by Case Type

Case Type	Petitioner		Respondent	
	Female	Male	Female	Male
Default Dissolutions	135 (51%)	57 (41%)	57 (40%)	135 (51%)
Domestic Relations With Children	131 (49%)	83 (59%)	84 (60%)	131 (49%)
Total	293 (100%)	140 (100%)	164 (100%)	266 (100%)

Legal representation: Female petitioners were represented by counsel in ninety-six cases (37%) compared with seventy cases (57%) for the male petitioners. Female respondents were represented by counsel in nineteen cases (15%), compared with thirty-one (13%) of the male respondents. Of the 355

cases for which there is full information on both parties' legal representation, 216 (61%) of those cases petitioner and respondent both represented themselves (appearing *pro se*); in forty-one cases (12%) both parties were represented by counsel; and ninety-eight (27%) cases involved either a petitioner or respondent who was unrepresented by legal counsel.

Expeditious and Timely Disposition¹¹

In this study, the evaluation examined whether the Integrated Family Court model in Coconino County was more efficient in moving cases toward resolution than the prior system of undifferentiated case assignment, in which criminal, civil, and domestic relations cases were spread throughout the various divisions. Key outcomes for IFC cases are compared with outcomes of similar cases adjudicated by the Coconino County Superior Courts before the IFC was established. The pre-IFC comparison cases are comprised of family law cases resolved in 2005. Comparisons analyze reductions in the time between court filing and resolution and in the number of evidentiary (or contested) hearings during the IFC evaluation period and the pre-IFC era.¹²

Table 8 below summarizes IFC information regarding differences in the number of days between filing and resolution (of the first case) by case type. On average, the time between filing and resolution was longest for default dissolutions (134 days) and domestic relations with children (131 days). Default dissolutions may be delayed by notice and service requirements and this table does not separate defaults which may have been filed in other courts and transferred into the IFC. Overall, of the 311 cases for which full information was available, the average time from filing to resolution was approximately 133 days (about four and one-half months), with half the cases resolved within ninety-seven days. Three domestic relations with children cases were resolved the same day they were filed, whereas the maximum was 2,568 days (approximately

¹¹ The sample sizes in the tables below shift as a result of differential amounts of missing data and/or restrictions placed on the samples compared.

¹² The evaluation team appreciates the assistance of IFC staff who transferred information from paper files to the electronic spreadsheet used for the evaluation and who shared extracts of electronic archives for this analysis.

seven years). Those cases that were resolved by consent decree were resolved on average in 145 days.

Table 8: Time Between Court Filing and Resolution, by Case Type¹³

Case Type	Number of Cases	Mean Number of Days	Median Number of Days	Minimum Number of Days	Maximum Number of Days
Default Dissolutions	189	134.21	94.00	39	2,568
Domestic Relations with Children	122	130.66	98.00	0	963
Total	311	132.82	97.00	0	2,568

Table 9 below summarizes information about differences in the number of evidentiary hearings (for the first case) by case type. High-conflict family law cases are characterized by multiple evidentiary hearings. On average, domestic relations with children cases had 0.32 evidentiary hearings and default dissolutions cases had 0.16 evidentiary hearings. Overall, IFC cases had on average 0.22 evidentiary hearings – much less than one evidentiary hearing per case.

Table 9: Number of Evidentiary Hearings by Case Type¹⁴

Case Type	Number of Cases	Mean Number of Evidentiary Hearings	Median Number of Evidentiary Hearings	Minimum Number of Evidentiary Hearings	Maximum Number of Evidentiary Hearings
Default Dissolutions	128	0.16	0	0	4
Domestic Relations with Children	81	0.32	0	0	34
Total	209	0.22	0	0	4

Comparison of Pre-IFC Case Processing and IFC Case Processing Time:

The evaluation compared the time to resolution for cases resolved in calendar year 2005 with comparable cases resolved in the IFC. Focusing on domestic

¹³ ANOVA: F=0.032, p=.859; no significant difference in the length of time between filing and resolution by case type.

¹⁴ ANOVA: F=3.641, p=.058; no significant difference in the number of evidentiary hearings by case type.

relations with children cases, during the pre-IFC period, these cases were resolved in about 220 days compared with 131 days for IFC cases; this difference is statistically significant. The IFC resolves domestic relations with children cases in a timelier manner than the prior system of assigning cases to non-family court specific Divisions.

Table 10: Comparison of Pre-IFC and IFC Cases: Time Between Filing and Resolution¹⁵

Domestic Relations with Children	Number of Cases	Mean Number of Days	Median Number of Days	Minimum Number of Days	Maximum Number of Days
Pre-IFC (Historical Comparison Group)	175	220.26	180.00	0	781
IFC (Intervention Group)*	122	130.66	98.00	0	963
Total	297	183.46	124.00	0	963

*Table 10 IFC cases include all cases resolved in the IFC, regardless of whether they originated in another Division or were initiated in the IFC.

As indicated in Table 6 above, several IFC cases had originated in another Division. The inclusion of cases transferred to the IFC after being carried for a period of time in another court may mask the full impact of “true” IFC case processing. The evaluation (Table 11) thus compares pre-IFC cases with IFC cases that originated in the IFC. Typically, pre-IFC domestic relations with children cases were resolved in approximately 220 days compared with 120 days for IFC originating cases; this difference was statistically significant. Domestic relations with children cases that originated in the IFC were resolved much faster than courts in the pre-IFC era.

¹⁵ ANOVA: F=25.168, p=.000; a significant difference in the time between filing and resolution by IFC or pre-IFC era.

Table 11: Comparison of Pre-IFC and IFC (IFC Originating Cases): Time between Filing and Resolution¹⁶

Domestic Relations with Children	Number of Cases	Mean Number of Days	Median Number of Days	Minimum Number of Days	Maximum Number of Days
Pre-IFC (Historical Comparison Group)	175	220.26	180.00	0	781
IFC (Intervention Group that Originated in IFC)	116	120.19	98.00	0	717
Total	291	180.37	124.00	0	781

Comparison of Pre-IFC Case Conflict Levels with IFC Case Conflict Levels:

In determining if the Integrated Family Court model in Coconino County reduced conflict as compared with the pre-IFC process for handling family disputes, the evaluation compared the number of evidentiary hearings from cases resolved in calendar year 2005 with those resolved in the IFC. Table 12 illustrates this comparison between the pre-IFC and the IFC by counting the number of evidentiary hearings in domestic relations with children cases. On average, pre-IFC domestic relations with children cases had 1.01 evidentiary hearings compared with 0.32 evidentiary hearings for similar IFC cases. This difference was statistically significant; it showed that there was a meaningful reduction in the number of cases that were high conflict cases (as evidenced by the small number of evidentiary hearings heard throughout the lifetime of the case).

¹⁶ ANOVA: F=35.025, p=.000; a significant difference in the time between filing and resolution by IFC originating or pre-IFC era.

Table 12: Comparison of Pre-IFC and IFC: Number of Evidentiary Hearings¹⁷

Domestic Relations with Children	Number of Cases	Mean Number of Evidentiary Hearings	Median Number of Evidentiary Hearings	Minimum Number of Evidentiary Hearings	Maximum Number of Evidentiary Hearings
Pre-IFC (Historical Comparison Group)	175	1.01	1.00	0	8
IFC (Intervention Group)*	81	0.32	0.00	0	3
Total	256	0.79	0.00	0	8

*Table 12 IFC cases include all cases resolved in the IFC, regardless of whether they originated in another Division or were initiated in the IFC.

The evaluation also compared the number of evidentiary hearings from cases resolved in calendar year 2005 with the number of evidentiary hearings from “true” IFC cases –cases that had originated in the IFC during the evaluation period. Table 13 summarizes this comparison, focusing on the number of evidentiary hearings for domestic relations with children cases. Typically, pre-IFC domestic relations with children cases had 1.01 evidentiary hearings, compared with 0.33 evidentiary hearings for similar IFC cases. Again, this difference is statistically significant, demonstrating a marked reduction in the number of cases that became high conflict cases as evidenced by the number of evidentiary hearings that were necessary to resolve disputed issues.

¹⁷ ANOVA: F=17.791, p=.000; a significant difference in the time between the number of evidentiary hearings by IFC or pre-IFC era.

Table 13: Comparison of Pre-IFC and IFC (IFC Originating Cases): Number of Evidentiary Hearings¹⁸

Domestic Relations with Children	Number of Cases	Mean Number of Evidentiary Hearings	Median Number of Evidentiary Hearings	Minimum Number of Evidentiary Hearings	Maximum Number of Evidentiary Hearings
Pre-IFC (Historical Comparison Group)	175	1.01	1.00	0	8
IFC (Intervention Group that Originated in IFC)	76	0.33	0.00	0	3
Total	251	0.80	0.00	0	8

These findings very strongly suggest that IFC domestic relations with children cases were resolved much quicker (on average ninety days faster) and with less conflict (two-thirds fewer evidentiary hearings) than domestic relations with children cases in the Pre-IFC period.

Other Evidence of the Impact of IFC Case Processing: The data reported in Tables 8-13 mirror case management data regularly collected by the Superior Court, which demonstrate the conclusion that the judicial system has improved its service to the public due to the implementation of the IFC. Clearance rates for the calendar years 2007 and 2008 (as compared with 2005) show that not only are the courts of general jurisdiction (Divisions 1-5) now clearing 100% of their cases (meaning that all cases filed in the year are resolved no later than the by the end of the year), but they are able to reduce their backlog of cases filed in previous years (106% clearance for civil cases in 2008, 111% clearance for criminal cases, and 100% in domestic relations). The backlog for domestic relations cases in 2007 was reduced significantly, with a clearance rate of 130%. In previous years, approximately one-hundred domestic relations matters were regularly carried over from the year of filing into subsequent years. It should be

¹⁸ ANOVA: F=16.343, p=.000; a significant difference in the time between the number of evidentiary hearings by IFC or pre-IFC era.

noted that the Coconino Superior Court judges recognized the problem caused by congestion and backlog, and as a result, approximately five years ago they initiated a case management system that significantly improved a timely disposition of domestic relations cases and other civil matters.

Conclusions: Although it is not possible to use the information available¹⁹ to fully quantify the benefits for litigants of the more efficient case processing in the IFC, the value of faster and less conflicted adjudication should be emphasized. When issues are not readily resolved, parents regularly incur significant costs traveling to and from the court. Problems with processing, document preparation, or compliance with court rules in turn cause more overall delays and greater disruption in the lives of families involved. Delays in resolving disputes have a direct impact on emotional resilience and family stability; their ripple effects can result in domestic violence, children running away from home, increased out-of-home placements, and a higher incidence of substance abuse. Conversely, improvements to the court system can lead to less time lost from work, fewer court appearances, less disruptions to the normal family schedules, lower stress and anxiety levels that can result from preparing for court, and reduced hostility, all of which are of tremendous public benefit. When families are able to maintain a comfortable standard of living, short and long term impacts on the general public welfare are evident. An ability to maintain employment and stable housing reduces the demand on public services and directly relates to reliable child support. Research on stable families show fewer costs associated with substance abuse, mental illness, fewer calls for services regarding domestic violence and violation of court orders. “In the end, the court is setting the stage for the future life of the family. The path followed to arrive at the order which sets this stage is as important as the details of the final order.”²⁰

¹⁹ A full analysis of the impact of court experiences would require longer term follow up regarding the lives of litigants during and after litigation. This follow-up was not in the scope of the present evaluation.

²⁰ Mary Duryea, “Open Family Mediation in the Court: A Systemic View,” *Family and Conciliation Courts Review*, December 1989.

As one expert put it, in family courts, "It's about our children."²¹ In the lives of children, speedy and thoughtful court orders result in more family stability, less tension in children's relationships with their parents, less truancy, less drug and alcohol use, and less behavioral problems. Delinquency produces added costs associated with prosecution, adjudication, treatment, and placement, diminution in delinquency allows for savings in these areas.

Equality, Fairness and Integrity of the Process

This goal speaks to providing the services and support litigants needed to achieve fair treatment and adequate services in family court cases. Earlier discussions of the operation of the Coconino County IFC describe the wide array of added community based services and the particular value of FLAP for *pro se* litigants. Both are directly related to the effectiveness of the IFC. The FLAP program merits particular mention. Given the upward trend of parties seeking to represent themselves during some or all of the proceedings, court systems are challenged to adjust operations to meet different clientele. Typically, the impact of *pro se* parties is significant on the timely operation of the courts: (1) they tend to cause excessive continuances, (2) an increased number of contested hearings, (3) an increase in longer hearings due to the judge taking additional time to explain the law, (4) frustration with the enforcement of court orders which leads to additional hearings, and (5) failure to follow court rules. While many litigants suffer from a lack of knowledge regarding legal processes, they also experience apprehension regarding appearing in court. Additional stress is caused by the fact that court appearances require a complete adjustment of the rest of litigants' schedules. Most family law experts agree that in cases where parties appear *pro se*, expedited disposition of the matters will lead to fewer violations of court orders and fewer motions for post-judgment relief. As indicated by the comments of FLAP participants cited earlier, FLAP provides a safeguard against the potential complications from *pro se* cases.

²¹ Karen J. Mathis, "Summit on Unified Family Courts: Serving Children and Families Efficiently, Effectively, and Responsibly," Family Court Review, April 2008.

Independence and Accountability

The basic premise of this goal is that family problems require a holistic response. Although family courts can resolve legal disputes, they must partner with community and social service agencies to respond to emotional and other issues that underlie family strife. The Coconino County IFC has, as noted earlier, carefully crafted an array of services from community agencies and ADR providers. This network of services is now in place and the evidence suggests that it is being used with increased frequency.

In addition, comments from attorneys and Superior Court Judges support the value of the specialized IFC for its clients served and for the judicial system. Other judges note, that the IFC has not only lightened their caseloads, enabling them to deal more effectively with other cases, but has also provided expertise and resources that are beneficial in their own courts.

Public Confidence and Trust

A judicial system derives its authority and legitimacy from those it serves; both are dependent on the shared sentiment that the courts value the importance of each persons' decision made in legal matters relating to his/ her personal life. In national research on family courts, litigants who experienced a unified family court consistently rated their court experience more positive than litigants from traditional courts. In these same studies, judges and lawyers thought family courts performed with deserved satisfaction, respect and confidence than the courts that traditionally adjudicate family law matters. The data collected from Coconino County, qualitative and quantitative, demonstrates a similar pattern of respect and appreciation for the Integrated Family Court pilot program.

FINDINGS AND CONCLUSIONS

The conclusion of this evaluation can be summarized:

- As implemented, the Coconino County Integrated Family Court model satisfies the requirements of the State Plan.
- The Integrated Family Court achieved the goals of the expanded Coconino County Integrated Family Court model.
- The IFC has improved the capacity of the Coconino County judicial system to effectively and meaningfully respond to the needs of families in crisis.

In sum, the Integrated Family Court affords citizens of Coconino County the following enhanced services: coordination of cases involving the same family; dispute resolution services that are accessible, reliable, cost-efficient, user-friendly and time-conscious; and an ability to link families to the appropriate social, legal, and psychological services in an efficient manner. The Integrated Family Court has: (1) streamlined domestic relations cases while recognizing the unique needs of families in crisis, (2) supplemented the resources of the entire judicial system to enhance overall responsiveness to the public, and (3) raised the priority of families and children in the community.

A Note Regarding Cost-Effectiveness

The total budget for the IFC is \$839,835 for two years. While evaluators conclude that there is no doubt about the Court's quality and success, policymakers may legitimately inquire whether benefits from the court offset or outweigh the public expenditures for the Court. There is not sufficient data to quantify offsetting cost savings, but we offer the following observations:

- In the short term, there are modest savings for litigants (in attorney's fees, travel costs, lost wages, and child care).
- The growth of "focused mediations" also suggests some modest savings in ADR costs.

- In all divisions, including the IFC, the clerks have seen a reduction in their workloads. Unless a reduction in staff is implemented, there are no substantial results in savings for the fiscal year.
- More significant savings to public agencies are more likely to appear over a longer post-resolution period. Expert opinion suggests that a successful family court will achieve savings in child placement, criminal and juvenile justice caseloads, employment benefits, and behavioral health treatment costs. To the degree that the Integrated Family Court is a “treatment court,” such as drug court or mental health court, it may achieve savings in other public sector expenditures; for example, the most significant savings are often in expensive factors such as incarceration.

In addition to the potentially quantifiable costs and savings, the cost-benefit equation must also consider significant intangible factors. This evaluation concludes that the Coconino County Integrated Family Court has resulted in a higher quality of service to county citizens, reduction of stress and conflict for many families, and overall strengthening of the County’s court system.

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