



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 14, 2010

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Title

Family Law: Elkins Family Law  
Implementation Task Force Interim Report

Date of Report

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Submitted by

Elkins Family Law Implementation Task  
Force  
Hon. Laurie D. Zelon, Chair

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## Executive Summary

This interim report<sup>1</sup> provides Judicial Council members with information on the Elkins Family Law Implementation Task Force's progress to date. It will be supplemented with a presentation at the December 2010 meeting.

## Previous Council Action

At the direction of the Judicial Council at its April 23, 2010, meeting, the Elkins Family Law Implementation Task Force was appointed effective July 1, 2010. The task force's charge includes proposing rules of court, forms, and Judicial Council-sponsored legislation for the council and its internal committees to consider. Members will also coordinate with advisory committees and justice system partners on implementation efforts where appropriate.

## Methodology and Process

The recommendations from the Elkins Family Law Task Force (EFLTF) as accepted by the Judicial Council offer a blueprint for change. During the initial implementation review, members

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<sup>1</sup> Attachment A is the Elkins Family Law Implementation Task Force's full interim report. This council report presents background and an overview.

carefully considered which recommendations might be accomplished in a shorter time frame and with fewer resources and which may need to be implemented in the future or over time because of current fiscal limitations or the need for changes in statutes or court rules.

Implementation Task Force members, also mindful of the unprecedented fiscal challenges California faces today, recognize that while current budget constraints may delay adding new resources, all recommendations should nonetheless be prepared for implementation. They also believe that implementing the recommendations will significantly improve access to justice for those families that must come to court to resolve their disputes.

The Implementation Task Force held its first in-person meeting on October 12, 2010, in San Francisco. Members began by establishing four working groups: Rules and Forms, Judicial Branch and Litigant Education, Process and System Improvement, and Research and Workload Data. Each working group reviewed the more than 200 recommendations developed by the EFLTF and identified ways to support or promote implementation. Efforts in each of these areas are described below. More detailed descriptions, in which action steps have been undertaken with respect to specific recommendations, appear in Attachment A.

At the same time implementation efforts were initiated, the California Legislature developed two pieces of legislation that include aspects of work undertaken by the EFLTF: Assembly Bill 939 (Assembly Committee on Judiciary, Stats. 2010, ch. 352) and Assembly Bill 1050 (Ma; Stats. 2010, ch. 187). AB 939 includes a variety of family law reforms and addresses case management, live testimony, attorney fees, sharing of information about children and families who have had contact with child welfare, and the responsibilities of minor's counsel. AB 1050 addresses children's participation in the family court process, including the expectation that children age 14 and up who want to testify in family court will be heard unless the court states reasons why their testimony should not be taken. Both bills received Judicial Council support, were signed by the Governor, and will require development of rules and forms effective January 1, 2012. The Implementation Task Force is working closely with members of the Family and Juvenile Law Advisory Committee and other advisory groups to coordinate and develop these proposals. Specific aspects of how both pieces of legislation further the Implementation Task Force's goals are noted in Attachment A under "Action Steps."

### **Rules and Forms working group**

The Supreme Court in *Elkins v. Superior Court* (2007) 41 Cal.4th 1337 [163 P.3d.160] suggested that the Judicial Council establish a task force that "might wish to consider proposals for adoption of new rules of court establishing statewide rules of practice and procedure for fair and expeditious proceedings in family law, from the initiation of an action to postjudgment motions. Special care might be taken to accommodate self-represented litigants. Proposed rules could be written in a manner easy for laypersons to follow, be economical to comply with, and ensure that a litigant be afforded a satisfactory opportunity to present his or her case to the court" (footnote 20). Efforts are under way to develop this comprehensive proposal for the council's consideration. The draft is scheduled to circulate for comment in spring 2011.

The EFLTF made a number of suggestions, which are being incorporated into the draft. Legislative mandates related to the work of the task force are also being incorporated into the proposed rules. Drafting of these proposed rules includes careful consideration of which civil rules might be appropriate for family practice and procedure, as well as review of existing local rules to determine if they might be proposed for statewide application.

The Rules and Forms working group is also working with the Family and Juvenile Law Advisory Committee on the forms required by AB 939 including a request for attorney fees, revised summary dissolution forms and new domestic violence forms. It plans to begin the process of reviewing all family law forms once the work to revise the rules of court and meet statutory requirements is complete.

### **Judicial Branch and Litigant Education working group**

Implementation of many of the EFLTF recommendations began with education for a wide variety of audiences within the judicial branch, including judicial officers and staff, both about the recommendations themselves and about specific content areas prioritized by the initial task force. A significant amount of education was conducted throughout the process of developing the recommendations during 2009 and early 2010 as members met with organizations, court leadership, and the public to discuss family law generally and specific concerns and ideas for change. This outreach to and extensive participation from advisory groups, attorneys, courts, and the public benefited the task force in its development of recommendations. It also generated interest in the work of the task force and enabled implementation efforts to begin almost immediately following the council's acceptance of the recommendations in April 2010.

In May 2010, several presentations were provided by staff and task force members to attorneys, including the Northern California Chapter of the American Academy of Matrimonial Lawyers, identifying areas in which the bar might most effectively participate in implementation. The Beyond the Bench Conference in June 2010 began with a family and juvenile law summit that included discussions by local court teams on recommendations from the EFLTF and the California Blue Ribbon Commission on Children in Foster Care. Participants discussed how to implement the recommendations regarding case management, how to incorporate children's voices and live testimony in family law, and how to effectively coordinate with child welfare to address children's safety. Workshops at the conference also covered children's participation, case management, minor's counsel, and other issues identified as key for judicial education.

In addition to this early opportunity to provide education for both family court staff and judicial officers, the Center for Judicial Education and Research (CJER), Administrative Office of the Courts (AOC), incorporated the EFLTF recommendations into its educational program planning for family law judicial officers. The work undertaken by CJER staff and judicial leadership has enabled the branch to quickly provide education on issues ranging from calendar management to children's voices and the role of minor's counsel to judicial officers statewide. The Implementation Task Force works closely with the CJER Family Law Education Committee. Its

members and staff have had the opportunity to serve as faculty and assist in curricula development.

In another collaborative effort involving members of the Implementation Task Force, throughout fall 2010, seven regional trainings were provided for family law judicial officers and court-connected child custody mediators and evaluators on issues addressed in the recommendations. Workshops included education on domestic violence and children's participation, another effective way of providing information to family law judicial officers and staff about key task force recommendations and new legislation that affects their work and the branch.

Plans are ongoing to provide education programs for the judicial branch in spring 2011. The programs will cover areas recommended in the EFLTF final report.

Staff and Implementation Task Force members have also worked closely with the State Bar and members of the Family Law Executive Committee (FLEXCOM) to support development and availability of educational programs for attorneys.

Efforts are under way to coordinate development of education on family law for the public generally and for self-represented litigants in particular. Development of information sheets explaining various family law processes and a comprehensive update and redesign of the self-help website have also been undertaken with input from Implementation Task Force members.

### **Process and System Improvement working group**

The Process and System Improvement working group is working to identify effective and efficient processes and procedures to implement many of the EFLTF recommendations. The group will be addressing topics that include case management in family law, domestic violence, effective management of hearings and trials, family court operations, simplification of process and procedure, and assistance to self-represented litigants.

The group has been consulting with leadership and staff in local family law courts in California to identify effective practices and measure the workload impact of these best practices. Currently, staff members are working to evaluate the resource impact of the effective practices that have been identified to date. They have completed site visits to 13 different courts to gather data for this workload assessment and are analyzing this data.

The group is presently working on drafting a statewide rule for family law case management to be proposed for circulation in the spring 2011 cycle. Additionally, a focus group of court operations staff, self-help attorneys, and judicial officers are meeting in November 2010 to draft a statewide standardized procedure for simplifying the processing of default and uncontested paperwork in family law.

### **Research and Workload Data working group**

The Research and Workload Data working group has identified several current AOC research efforts that are either directly or indirectly related to the EFLTF's recommendations and may be leveraged for implementation efforts.

The Judicial Needs Assessment and Staff Workload Study (also known as the Resource Allocation Study), headed by the AOC's Office of Court Research are currently being updated. A CFCC researcher for the task force and a colleague are staffing the project to ensure that the studies capture important components of family law workload, including those reflected in the Elkins recommendations. In addition, two task force members are on the SB 56 Working Group, the advisory body for the studies. Data collection for the judicial needs assessment was completed in May 2010 and for the staff workload study will be completed in November 2010. Following data analysis, testing, and adjustment, the final models will be released in early 2012.

The data gathered through the judicial needs assessment and the trial court staffing study will assist courts in making allocations of judicial and staff resources that are more closely aligned with the workload necessary to process family law cases effectively. CFCC research staff are exploring ways to use the data to provide technical assistance to courts that wish to examine their resource allocation.

One limitation of these studies is that they capture current family law practices and, to the extent that study courts have not yet implemented task force recommendations, do not reflect the judicial and staff resources necessary to handle family law cases more effectively. The AOC, with strong collaboration from the trial courts, has undertaken a separate workload study to better understand the resources required to implement effective family law practices such as those recommended by the task force. The results of this best practices workload study are anticipated in early 2011.

CFCC research staff and subject matter experts have worked to develop family law management reports that will be available to all courts through the California Court Case Management System (CCMS) V4 Statewide Reporting Data Warehouse. Although implementation of CCMS has been delayed, CFCC is working with one and possibly two counties to pilot-test management reports and other related measures of family law caseload and caseflow. Collection of these data, which will be available in early 2011, will inform the implementation of multiple recommendations, including basic statewide reporting and the development of performance measures and time standards.

### **Technical Assistance**

In addition to the work of task force members, AOC family law staff members have been providing technical assistance to the courts as they work on implementation efforts at the local level. Such assistance has included identifying the impact from AB 939 and possible approaches to developing case management procedures and assistance by considering how children might be

involved in family law processes. As the work of the task force continues, this type of assistance will likely be ongoing so that courts with differing resource needs and experiences might benefit from learning about the implementation efforts of other courts.

### **Next Steps**

The Implementation Task Force will hold its next meeting in January or February 2011 and continue collaborating with related advisory groups and justice system partners on implementation through development of rules and forms, education, system improvements, and data collection. In an ongoing effort to include the branch in implementation plans, the Implementation Task Force will work with the Judicial Council and court leadership throughout the state and will provide updates as it develops implementation plans.

### **Attachment**

1. Attachment A: Action steps from the Elkins Family Law Task Force recommendations



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## **Action Steps From the Elkins Family Law Task Force Recommendations**

The Elkins Family Law Task Force (EFLTF) provided the council more than 200 recommendations divided into five key areas:

- I. Efficient and Effective Procedures to Help Ensure Justice, Fairness, Due Process, and Safety
- II. More Effective Child Custody Procedures for a Better Court Experience for Families and Children
- III. Ensuring Meaningful Access to Justice for All Litigants
- IV. Enhancing the Status of, and Respect for, Family Law Litigants and the Family Law Process Through Judicial Leadership
- V. Laying the Foundation for Future Innovation

This attachment sets out action steps taken as of November 2010 in each of these key areas.

## I. Efficient and Effective Procedures to Help Ensure Justice, Fairness, Due Process, and Safety

### Helping People Navigate the Family Court Through Caseflow Management

Family law cases involve an extraordinary range of issues, from the simplest, most uncontested case with no children and no property to cases involving complex legal issues, highly personal and difficult conflicts over children, or serious issues of domestic violence or child safety. Unlike general civil, complex civil, juvenile, probate, mental health, or criminal cases, family law is the last general jurisdiction case type in California that has not provided a procedure for the fair, timely, and efficient disposition of a case. Recommendations in this section address providing case management opportunities for family law litigants and the family court greater flexibility in developing case management approaches that allow for more effective calendar management.

#### *Action Steps*

- ✓ AB 939, effective January 1, 2011, provides for case management as “family centered case resolution,” without stipulation, creating the legislative change necessary to fully implement case management in family law.
- ✓ Administrative Office of the Courts (AOC) conducted court site visits through 2010 to identify best practices and provide technical assistance to courts implementing caseflow management approaches.
- ✓ Drafting of legislatively mandated rules of court on case management in family law is in progress and is proposed for circulation during spring 2011, for an effective date of January 1, 2012.
- ✓ The Center for Judicial Education and Research (CJER) has been integrating recommendations on caseflow management into its planning implementation for training of judicial officers.

### Preserving the Right to Present Live Testimony at Hearings

The EFLTF recognized that many overburdened family courts appeared to have responded to the press of business by essentially prohibiting the right to present live testimony at all hearings on an order to show cause or noticed motion, regardless of the issues involved. Recommendations in this section addressed that and related concerns, acknowledging that live testimony enhances the court’s ability to make critical determinations regarding credibility when written declarations submitted to the court contain conflicting facts and hearsay statements.

#### *Action Steps*

- ✓ AB 939, effective January 1, 2011, provides for a presumption of live testimony in all family law matters and directs the Judicial Council to develop rules regarding good cause exceptions to that requirement.

- ✓ Draft rules of court are in process and will be proposed to the council's Rules and Projects Committee for its consideration for circulation in the winter cycle, for an effective date of July 1, 2011, so as to provide more immediate direction and assistance for the courts.
- ✓ CJER education programs for judicial officers, including the Family Law Institute in 2011 and overview courses in 2010 and 2011, include content on how to effectively meet these requirements.

### **Providing Clear Guidance Through Rules of Court**

The Elkins Family Law Task Force recommendations noted the importance of courts' ensuring that all family law litigants are similarly treated and afforded meaningful access to justice. To do so requires consistent rules about what is expected in court.

#### *Action Steps*

- ✓ Revision of statewide rules of court for family law is under way, with proposal slated to be presented to the council's Rules and Projects Committee for circulation in the spring cycle for an effective date of January 1, 2012.
- ✓ Family and Juvenile Law Advisory Committee is coordinating with staff to work on civil rules to avoid unnecessary duplication and identify areas where civil and family law might be appropriately similar or different.

### **Streamlining Family Law Forms and Procedures**

The standardization of forms statewide has provided a framework for some basic uniform procedures in family court processing; however, the number, variety, and complexity of forms have increased dramatically over time. The EFLTF noted that an important goal of the family court should be to identify those tasks and ensure that attorneys and self-represented litigants are not burdened with unnecessarily bureaucratic processing steps or paperwork.

#### *Action Steps*

- ✓ AB 939 made a number of changes recommended by the EFLTF to the summary dissolution process. A proposal is under way to incorporate those changes as of January 1, 2012.
- ✓ AB 939 also made changes to clarify service requirements on certain postjudgment motions as recommended by the EFLTF. Rules and a form to respond to those changes are being drafted to go into effect January 1, 2012.
- ✓ Work has begun on a comprehensive *Request for Order* form, which is designed to simplify the process to request a hearing.
- ✓ Commonly used family law Judicial Council forms are being translated into Spanish to be posted online by January 1, 2011.
- ✓ AOC staff is collecting declaration templates from local courts and self-help centers to design template formats that will help litigants provide relevant and admissible information to the court.

### **Standardizing Default and Uncontested Process Statewide**

Judgment processing procedures differ from county to county and from one court location to another even within the same county. The EFLTF recommended the establishment of a consistent statewide procedure for submitting and filing default and uncontested judgment.

#### *Action Steps*

- ✓ Judicial officers and court staff from throughout the state held a planning meeting in November to develop a standard default and uncontested process based on the recommendations from the task force report.

### **Scheduling Trials and Long-Cause Hearings**

The EFLTF noted that combined with good caseload management, scheduling trials and long-cause hearings so that they can be completed without undue interruption can be effectively implemented within a direct calendaring system in family law just as it has been in other civil case types.

#### *Action Steps*

- ✓ A family and juvenile law summit, which was held in June 2010 in conjunction with Beyond the Bench, discussed best practices in scheduling trials and long-cause hearings.
- ✓ Discussion of these scheduling practices is being included in CJER educational materials for judicial officers.
- ✓ A draft rule on scheduling trials is to be included in the rules of court proposal to become effective January 1, 2012.

### **Improving Domestic Violence Procedures**

The EFLTF acknowledged the work currently being undertaken to implement recommendations made to the council by the Domestic Violence Practice and Procedure Task Force and developed additional recommendations for improving the handling of domestic violence matters in family law.

#### *Action Steps*

- ✓ AB 939 clarifies that custody and visitation orders survive the termination of a permanent restraining order.
- ✓ AB 939 authorizes family law courts hearing Domestic Violence Prevention Act cases to accept stipulations regarding paternity and enter parentage judgments in uncontested parentage matters without the parties' having to file separate parentage actions. This procedure is intended to increase access to the courts, use court resources more efficiently, and more effectively protect children in these matters.
- ✓ Drafting of proposed revisions to the relevant existing forms to accommodate these changes are in process and are scheduled to be circulated for comment to go into effect on January 1, 2012.

## ATTACHMENT A

- ✓ Seven regional trainings were held throughout the state September through November 2010 for child custody mediators and family law judicial officers with content focused on encouraging the development of local domestic violence procedures conforming to statewide rules of court and current statutory requirements.

### **Assessing Mechanisms to Handle Perjury**

Based on concerns presented through the EFLTF's work, the task force recommended that the Judicial Council assess the adequacy of existing civil remedies to respond to both types of perjury, oral and written.

#### *Action Steps*

- ✓ A number of issues were raised in the comment process for this recommendation, and they will be thoroughly reviewed as part of the recommended assessment of existing remedies. This work will start once the statutorily required rules and forms are complete.

## II. More Effective Child Custody Procedures for a Better Court Experience for Families and Children

### Improving Child Custody Procedures

Contested child custody matters often involve complicated issues with long-term implications for families and children and, in some instances, require significant court resources.

Recommendations in this section addressed the need for more resources to support improved child custody procedures and approaches that could be undertaken even with limited resources to improve the handling of these complex matters.

#### *Action Steps*

- ✓ Training programs for child custody mediators, evaluators, investigators and family law judicial officers in June 2010, at the Beyond the Bench Conference and at Fall Regional Trainings throughout the state, focused on the EFLTF recommendations and promising practices for implementation of the recommendations in this section.
- ✓ The Staff Workload Study (also known as the Resource Allocation Study) is examining the work of family court services staff in greater detail than in past studies, and in a separate effort, AOC staff have visited courts that have implemented effective child custody practices to better understand their processes and associated workload. The data from both studies will provide guidance to the courts in assessing the resources required to implement improved child custody procedures.
- ✓ AB 939 requires that child custody mediators providing recommendations to the court be referred to as “child custody recommending counselors”; redraft of existing *Child Custody Information Sheet* (form FL-314-INFO) and development of a proposed new form providing information to litigants and the public on child custody procedures are in process.
- ✓ The family court services directors training program in fall 2010 focused on implementation of AB 939 and related EFLTF recommendations, including the requirement that recommendations be in writing and provided to the parties before the hearing.

### Providing Guidance for Children’s Participation and the Appointment of Minor’s Counsel

The EFLTF heard from many people about the importance of finding ways to both include children, where appropriate, and protect them when necessary from additional, case-related conflict. Recommendations in this section sought to address these concerns.

#### *Action Steps*

- ✓ AB 1050 signed into law this year and effective January 1, 2012, requires courts to state reasons on the record if they decline to hear from children 14 years and older wishing to address the court and find ways of receiving information or input from children of all

ages if they are precluded from testifying; mandatory rule of court is in process for proposed circulation for public comment in spring 2011.

- ✓ Regional trainings throughout the state from September through November for family law judicial officers and child custody mediators and evaluators included two-hour sessions on children's participation in family court, including implementation of task force recommendations and AB 1050.
- ✓ Implementation Task Force members coordinated with the Family Law Executive Committee and State Bar staff to develop training for minor's counsel statewide and locally.
- ✓ CJER training programs integrated education for judicial officers on appropriate use of minor's counsel and existing rules of court addressing minor's counsel appointment requirements.
- ✓ Reflecting the EFLTF recommendations, AB 939 amends Family Code Section 3151 to eliminate the requirement that minor's counsel submit a statement of issues and contentions.

### **Enhancing Children's Safety**

Family law courts are often confronted with issues involving allegations of child abuse, neglect, and violence in the home. The task force has heard many concerns about the safety and well-being of children and issues of children's participation in court proceedings and made recommendations for legislative and procedural changes to better address these concerns.

#### *Action Steps*

- ✓ Legislative changes including those in AB 939 implement recommendations providing that child welfare agencies may not use the fact that a family is in family court as a reason not to investigate allegations of abuse.
- ✓ Effective January 1, 2011, child welfare agencies will be authorized to provide information and copies of records to mediators and evaluators pursuant to Welfare and Institutions Code section 827.10, a new statute implementing the EFLTF recommendation.

### III. Ensuring Meaningful Access to Justice for All Litigants

#### **Increasing the Availability of Legal Representation and Providing a Continuum of Legal Services**

The task force recognized that legal information and advice are critical in family law matters as the emotional and financial impact of family law issues cannot be overestimated; the recommendations in this section addressed the need to increase the availability of legal representation as well as provide alternatives to representation.

##### *Action Steps*

- ✓ AB 939 amends various sections of the Family Code to provide that the court must consider attorney fee awards when requested.
- ✓ Development of rules forms for litigants to make requests for attorney's fees is in process, with forms to be adopted as of January 1, 2012.
- ✓ Coordination is under way with State Bar staff to identify ways to improve mentoring opportunities for family law attorneys.
- ✓ Coordination with the Shriver Civil Counsel Implementation Committee is under way to encourage proposals that provide representation in child custody and domestic violence matters.

#### **Improving Litigant Education**

The task force's recommendations in this section recognized that when litigants understand their legal rights and procedural requirements, court processes can be more effective and efficient, less frustrating, and more responsive to litigants' needs.

##### *Action Steps*

- ✓ Redesign of self-help website is under way, which will incorporate additional content regarding family law proceedings due to be launched in January 2011.
- ✓ Educational videos on presenting evidence, appellate procedures, how to proceed with family law cases, and use the self-help centers have been uploaded to the AOC's YouTube channel and will be incorporated into revised self-help website.
- ✓ Information sheets on child custody (parenting time) are being revised and developed to inform litigants about the mediation process.
- ✓ Information about the challenges of self-representation will be included in the updated self-help website.
- ✓ Access to Visitation Program requests for proposals circulated in fall 2010 provide limited funds for parent education programs.
- ✓ Workshops on providing information about settlement opportunities, as well as reviews of existing resources, will be included in family law training for self-help and legal services providers by AOC and Legal Aid Association in February 2011.

### **Expanding Services to Assist Litigants in Resolving Their Cases**

Recognizing that many litigants in family law cases would prefer to be able to sit down with the other party and resolve the issues in their case without the necessity of appearing before a judicial officer, the EFLTF recommended that specific services be provided to assist litigants.

#### *Action Steps*

- ✓ Proposed guidelines on the handling of cases involving domestic violence for non-child custody mediators are in development to be incorporated into revised rules of court for circulation in spring 2011.
- ✓ A software program to assist parents in creating a parenting agreement is in development.

### **Providing Interpreters When Needed**

The EFLTF noted the need for increased availability of interpreters in family law cases and in child custody mediation.

#### *Action Steps*

- ✓ A request for full funding of interpreters in family law and domestic violence matters was prepared for the State Department of Finance.
- ✓ Coordination is under way with staff in the Court Interpreters Program of the AOC to implement recommendations on methods to enable courts to provide interpreters in family law matters.

### **Making Court Facilities More Responsive to the Needs of Family Court Users**

Recognizing the reality of limited resources currently, the EFLTF noted that, ideally, family court facilities should offer a welcoming environment for court users, one that respects the unique and sensitive nature of family law cases, takes into account the need for family law litigants to access a variety of court-connected services, and maximizes convenience for court users.

#### *Action Steps*

- ✓ Coordination is under way with staff in the Office of Court Construction and Management of the AOC to implement recommendations on providing safe, accessible, and efficient court facilities for family law litigants.

## IV. Enhancing the Status of, and Respect for, Family Law Litigants and the Family Law Process through Judicial Leadership

### Promoting Leadership, Accountability, and Better Use of Resources

Many suggested changes can increase efficiency in the delivery of services in family law without adding resources; however, without significant additions of judicial officers and staff resources, courts will be unable to meet the crushing workload in family courts.

#### *Action Steps*

- ✓ The Judicial Needs Assessment and Staff Workload Study are currently being updated and have been expanded in scope and level of detail. The workload data gathered through these studies will help courts to compare actual resource allocation to that which is prescribed by the models.

### Improving Judicial Branch Education

The EFLTF recommended education in a number of areas, including across the judicial branch. As noted in the final report, “[t]he ongoing need to offer education and training in the judicial branch provides opportunities to promote consistency throughout the state, share knowledge of and experiences with promising practices, and disseminate important information to judicial officers and court employees.”

#### *Action Steps*

- ✓ The CJER Family Law Education Committee reviewed all recommendations from the task force and has committed to integrating content from the recommendations into all programs and educational efforts being developed for judicial officers.
- ✓ Family Law Institute and Family Law Summit planning is under way for April 2011 to include content on live testimony, case management, minor’s counsel, and children’s participation.
- ✓ Family Law Overview courses include content on children’s participation and appropriate use of minor’s counsel.
- ✓ Regional trainings throughout fall 2010 for child custody mediators and family law judicial officers provided workshops on children’s participation and domestic violence.

### Increasing Public Information and Outreach

The EFLTF identified multiple ways the public and courts would benefit from enhancing public information and outreach, including helping to ensure that court users make the most productive use of their time in court.

#### *Action Steps*

- ✓ Coordination is under way with staff in the Executive Office Programs Division of the AOC to implement recommendations on providing information to the public.
- ✓ Training is being provided for public librarians on the self-help website and other resources available at no charge which they can share with their patrons.

## V. Laying the Foundation for Future Innovation

### Promoting Family Court Improvement Through Empirical Research

In an effort to increase the data available on family courts, the EFLTF recommended several ways to improve research and information gathering.

#### *Action Steps*

- ✓ The Judicial Needs Assessment and Staff Workload Study are being updated, with an eye to more accurately measuring the full range of tasks involved in processing family law cases. Task force members and AOC staff to the task force are formally involved in the studies.
- ✓ AOC staff are conducting a workload study of best practices to examine in greater detail the resources required to implement effective family law practices in a variety of areas.
- ✓ AOC staff are pilot-testing management reports that will be available through the CCMS Statewide Reporting Data Warehouse, as well as related measures of family law caseload and caseflow, which will contribute to the development of basic statewide statistical reporting guidelines and the development of time standards and other performance measures.
- ✓ AOC staff and task force members are taking inventory of existing statistical reports used in California counties and other jurisdictions.
- ✓ The task force is exploring ways to expand the judicial branch research capacity through developing partnerships with universities and research institutions.
- ✓ AOC staff have presented and disseminated results of the Statewide Uniform Statistical Reporting System, also known as the Snapshot Study, focusing on aspects of court-based child custody mediation related to the task force recommendations.

### Creating the California Family Law Innovation Project

To provide a structure for ongoing innovations and continuous improvement of California's family courts, the task force recommended that a California Family Law Innovation Project be created to conduct pilot projects in California courts and test and evaluate promising new procedures, programs, and services.

#### *Action Steps*

- ✓ Development of this project has been deferred given the state's current budget situation.