

# *Survey of Proceedings Involving Children and Families*

## REPORT OF SURVEY RESULTS

MARCH 2001



*prepared for the Center for Families, Children & the Courts*

■ *by the Research and Planning Unit, Administrative Office of the Courts*

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## **BACKGROUND**

At the 1997 Planning Workshop the Judicial Council requested that the Family and Juvenile Law Advisory Committee study and make recommendations regarding proposed changes in current practices and methods for maximizing case coordination for all matters involving children and families in the court system.

The advisory committee's study revealed that the fundamental premise behind the movement to reorganize juvenile and family courts is that the current fragmented system causes children and families to get lost in the cracks and does not efficiently and effectively serve the families and children before it. The committee opined that an "ideal" unified family court would have jurisdiction over all proceedings related to the family, have one staff assigned to monitor or assist each family, be located in a single facility with a resource and/or referral center and a children's waiting room, and use computer technology to link all cases together. The committee recognized that in a state as large and diverse as California it is neither practical nor preferable to have one system of implementation or family court model for every court and local jurisdiction.

In August 1998, the Judicial Council requested that the Family and Juvenile Law Advisory Committee draft a survey examining California's existing structure for resolving issues involving children and families. This survey will guide the council in determining the best approaches for helping California to effectively structure its courts to handle proceedings involving children and families. Specifically, the Judicial Council directed the committee to:

1. Survey the courts to determine the precise number of judicial officers and staff assigned to hear cases involving children and families;
2. Survey the courts, to the extent possible, to determine the total number of families involved in multiple proceedings;
3. Identify what percentage of judicial officers in juvenile, family, probate, and mental health proceedings are commissioners and referees;
4. Survey the courts to determine the current practices and resources, as well as the best practices;
5. Develop a list of available resources for each existing subdivision and identify possible funding sources (public or private) for demonstration projects; and
6. Survey the types of facilities and the geographic proximity of facilities within various counties.

Staff from the Center for Families, Children & the Courts, with consultation from the Research and Planning Unit of the Administrative Office of the Courts, drafted a survey in July 1999 to collect information addressing the Judicial Council directives. The survey was circulated for comment among members of the Coordination Subcommittee of the Family and Juvenile Law Advisory Committee as well as staff in the Center for Families, Children & the Courts.

The survey was pilot tested in August 1999 in three sites—Santa Clara, Los Angeles, and Yolo Counties—with the results of the pilot presented at the September 1999 meeting of the Family and Juvenile Law Advisory Committee for additional comment. The final version of the survey was completed in December 1999 and distributed to the courts in January 2000.

## **RESULTS**

### **Response**

The reader is cautioned to consider the following factors about the response to this survey when reviewing the following results and particularly any figures or percentages.

- Forty-three surveys were returned from 41 counties; two counties each completed and returned an additional survey.
- The survey is made up of three sections—court profile and special programs, client population, and judicial response.
- Some parts require a court administrator to complete, and other parts are designated for judicial officers.
- Several counties returned multiple responses for selected parts of the survey. For example, 18 additional responses were completed and returned for Section III: Judicial Response from 12 counties.
- In addition to the varying sample sizes across sections of the survey, a small number of courts were unable to complete selected items because the information was not possible to obtain.

### **Section I: Court Profile and Special Programs**

This section of the survey collects information in order to develop a profile of each court. Specifically, this section is concerned with determining the nature of current resources for family and juvenile matters in the court, changes in those resources that have occurred during the past year, and areas where additional resources are

needed. Some questions ask about any special or innovative programs offered in the court.

### ***Part A: Court Profile***

#### *Court-Related Services*

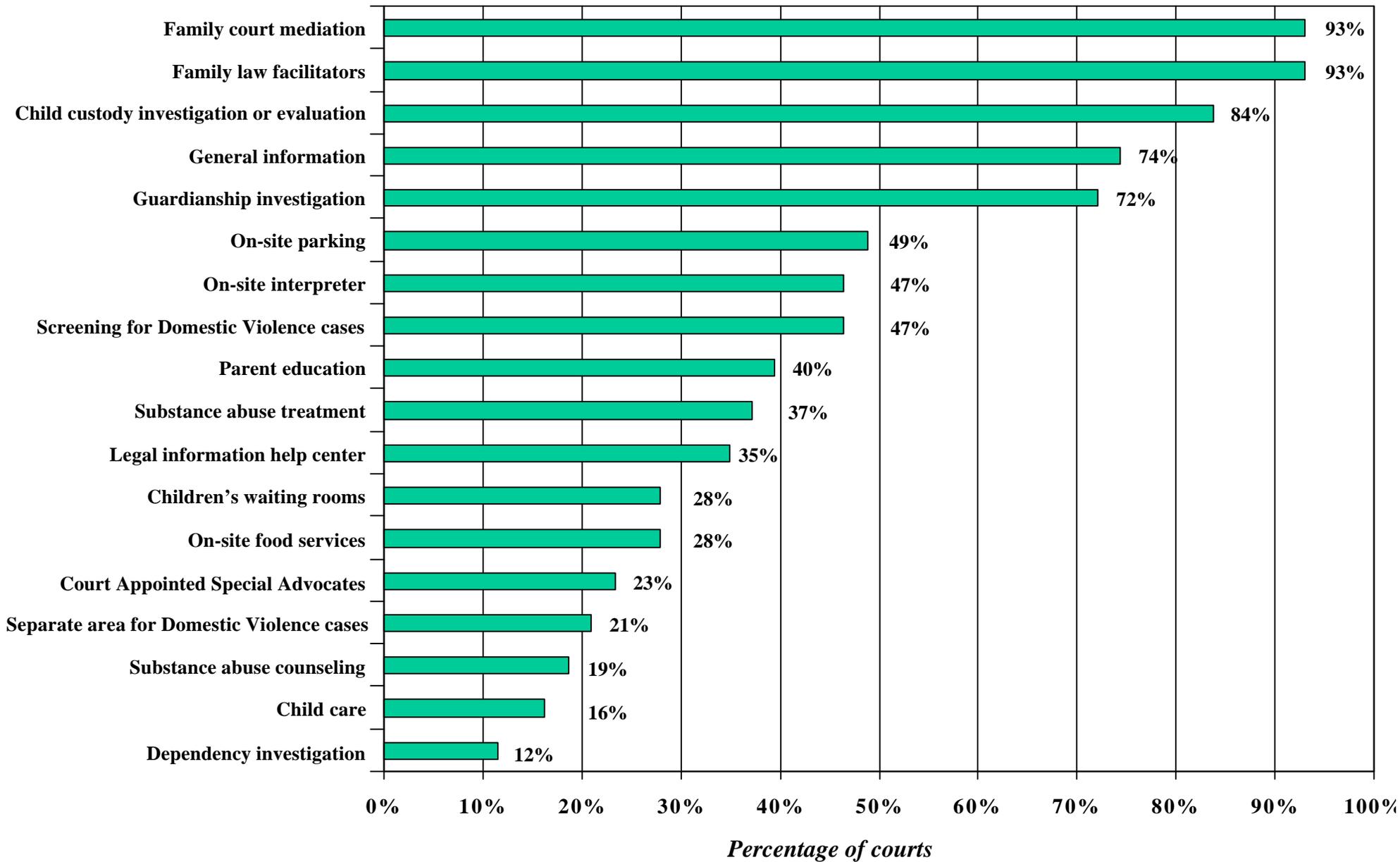
Figures 1A and 1B on the following two pages illustrate which court-related services the courts provide to children and families in the areas of family and juvenile law, respectively.

- In family law (Figure 1A), the vast majority of courts provide mediation and investigation services as well as general information (kiosks or handouts).
- Services such as dependency investigation, child care, and substance abuse counseling are not widely offered in the family law area.
- In juvenile law (Figure 1B), three services—on-site interpreter, Court Appointed Special Advocates, and on-site parking—are offered significantly more often than other services, though almost half of the courts do offer dependency investigation and substance abuse treatment.
- Several services are either frequently offered in the areas of both family and juvenile law, or rarely provided in each of these areas.
  - On-site interpreters, general information, and on-site parking are services offered frequently in both family and juvenile law areas.
  - Child care, separate areas for domestic violence cases, and legal information help centers are rarely provided services in each of these areas.

**Figure 1A**

**Services Provided for Children and Families: Family Law**

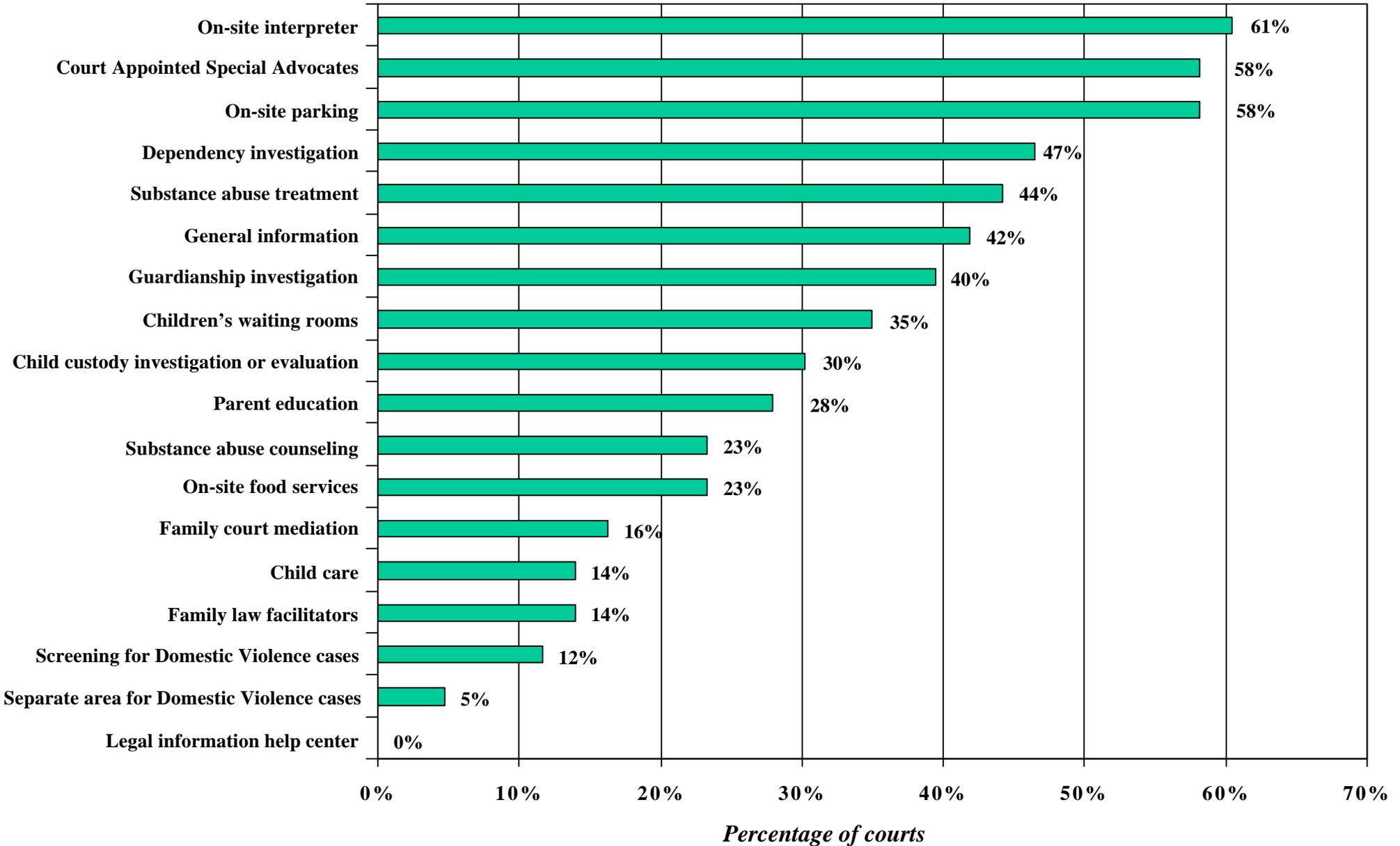
**Family Law**



**Figure 1B**

**Services Provided for Children and Families: Juvenile Law**

**Juvenile Law**



Courts ranked the list of services in terms of the most important services they provide for children and families. Table 1 below shows the percentage of these courts that ranked a particular service as one of the five most important. For comparison purposes, the two right columns list the percentage of courts that *currently* provide the service (taken from Figures 1A and 1B on the preceding pages).

**Table 1**  
**Top Five Services that a Court Provides for Children and Families**

Percentage of courts that ranked services in the top five in importance that a court provides to children and families		Percentage of courts that currently provide the service <i>(from Figures 1A and 1B)</i>	
		<i>Family</i>	<i>Juvenile</i>
Family court mediation	86%	93%	16%
Family law facilitators	69%	93%	14%
Child custody investigation or evaluation	65%	84%	30%
Dependency investigation	61%	12%	47%
Guardianship investigation	35%	72%	40%
Legal information help center	35%	35%	0%
Court Appointed Special Advocates	33%	23%	58%
Parent education	28%	40%	28%
Screening for Domestic Violence cases	28%	47%	12%
General information	26%	74%	42%
Children’s waiting rooms	19%	28%	35%
On-site interpreter	19%	47%	61%
Substance abuse counseling	16%	17%	23%
Substance abuse treatment	14%	37%	44%
Child care	12%	16%	14%
Separate areas for Domestic Violence cases	9%	21%	5%
On-site parking	9%	49%	58%
On-site food services	5%	28%	23%

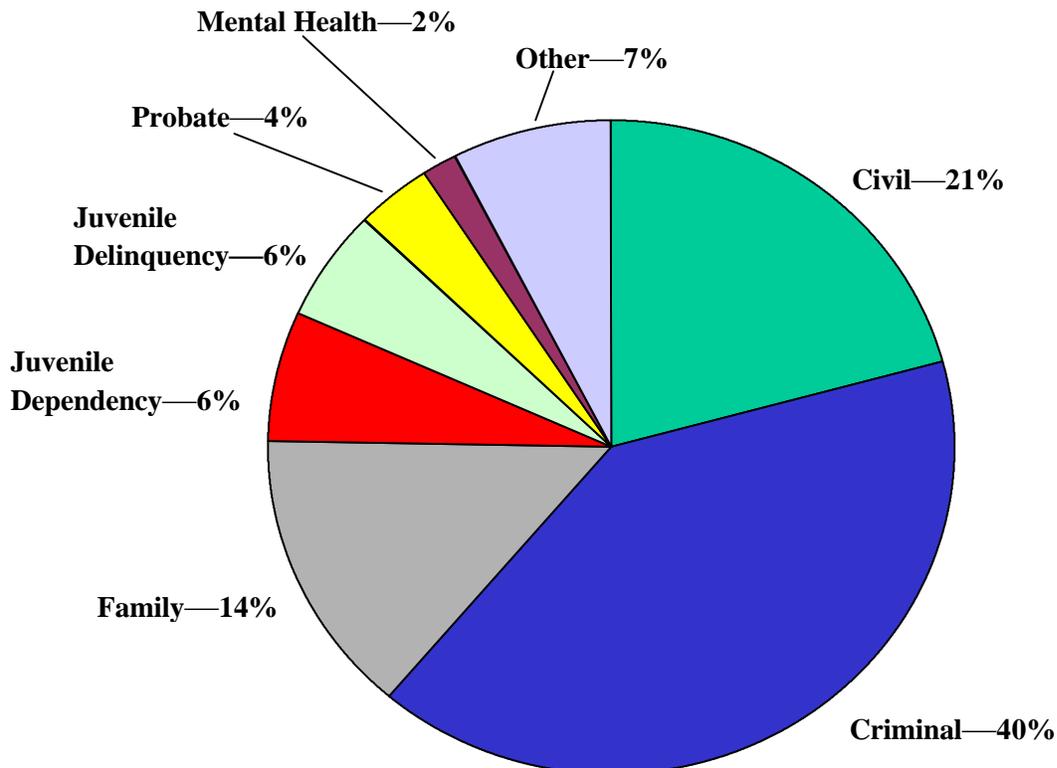
- In general, courts are doing a good job of currently providing those services that they feel are most important for children and families.
- Four services—family court mediation, family law facilitators, child custody investigation or evaluation, and dependency investigation—were listed significantly more frequently than other services as important for families and children.

- The two services ranked most often by courts in the top five in importance—family court mediation and family law facilitators—are also the two services that are most likely to be currently offered by courts in the family law area.
- Child custody investigation or evaluation, another important service according to respondents, is currently offered to a significant degree in both family and juvenile law areas.
- It appears that dependency investigation services are currently being offered less frequently by the courts than expected, given its reported level of importance for children and families.
- It is not inconsistent that a significant number of courts currently provide on-site parking and on-site food services but did not rank them as important services for children and families, given their necessity for the court in general.

*Allocation of Judicial Officers*

Courts indicated how judicial officers (judges, commissioners, and referees) are assigned across selected case types as of January 1, 2000. Figure 2 illustrates how all judicial officers are allocated across case types for those courts able to provide this information.

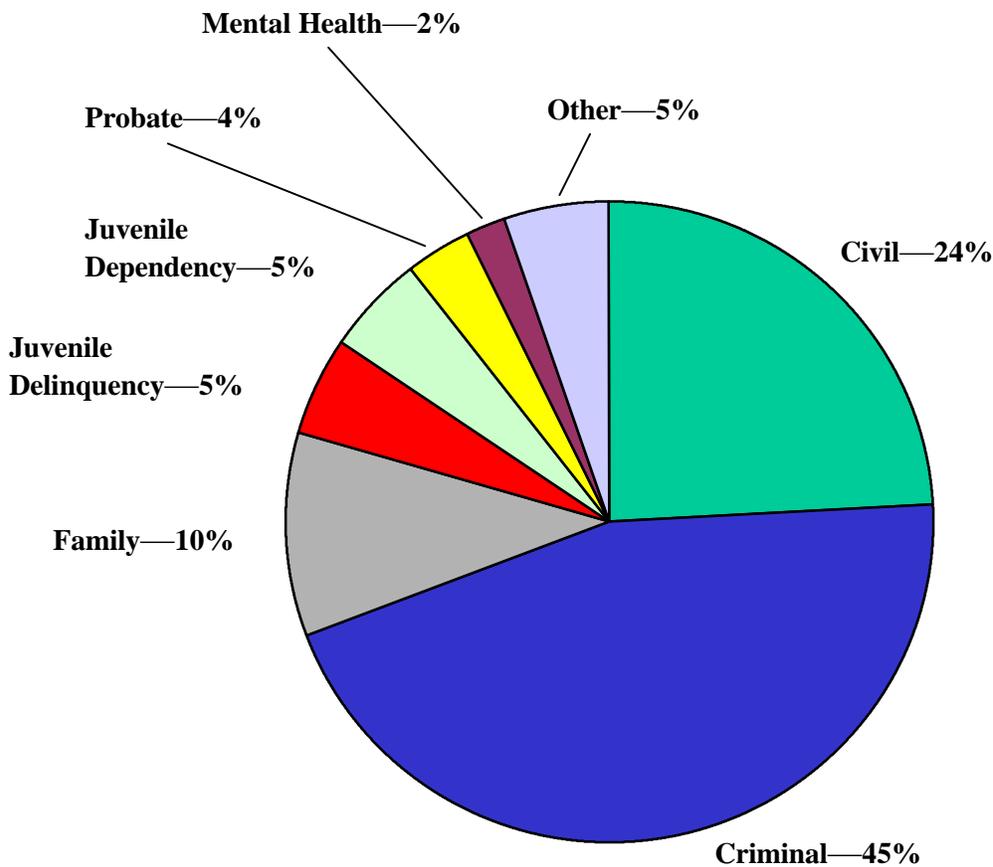
**Figure 2**  
**Allocation of All Judicial Officers**



- By far the largest proportion of judicial officers are assigned to hear criminal matters (40 percent), followed by those assigned to civil cases (21 percent). To a lesser degree, judicial officers are assigned to hear family law cases (14 percent).
- A relatively small number of judicial officers are assigned to hear juvenile dependency (6 percent), juvenile delinquency (6 percent), probate (4 percent), and mental health cases (2 percent).
- Courts indicate that approximately 7 percent of their judicial officers are assigned to hear “other” types of cases, which may include specialized courts such as domestic violence courts and drug courts.

Figure 3 below illustrates how courts allocate judges across these same case types.

**Figure 3**  
**Allocation of Judges**



- Courts allocate judges more heavily in the areas of civil and criminal law than they do all judicial officers. For example, courts allocate 21 percent of

all judicial officers to civil law (see Figure 2 on page 7), but they assign 24 percent of judges to civil cases.

- They allocate 40 percent of all judicial officers to criminal cases, but they assign 45 percent of judges to those cases.
- This is at the expense of family law, juvenile dependency, and juvenile delinquency, which all are assigned to a smaller proportion of judges than of judicial officers as a whole.

For each case type, the number of judges, commissioners, and referees (in FTE) was converted into a percentage based on their proportion of the total judicial officers assigned to that case type. For example, a court assigning five judges, three commissioners, and two referees to a case type would have the following percentages: judges—50 percent, commissioners—30 percent, referees—20 percent. Table 2 below presents the average percentage allocation of judicial officers for all counties that were able to complete this item.

**Table 2**  
**Allocation of Judicial Officers by Case Type**

<b>Judicial Officer</b>	<b>Civil</b>	<b>Criminal</b>	<b>Family</b>	<b>Juvenile Dependency</b>	<b>Juvenile Delinquency</b>	<b>Probate</b>	<b>Mental Health</b>
<b>Judges</b>	93%	91%	57%	67%	69%	81%	78%
<b>Commissioners</b>	6%	8%	43%	20%	25%	19%	15%
<b>Referees</b>	1%	1%	0%	12%	6%	0%	7%

- Judges are almost exclusively assigned to hear civil and criminal matters; almost no subordinate judicial officers are assigned to hear these matters.
- A significantly smaller proportion of judges is assigned to hear family, juvenile dependency, and juvenile delinquency matters.
- The increased use of particularly commissioners in family, juvenile dependency, and juvenile delinquency matters makes up for the smaller proportion of judges assigned to these cases.
- Referees are almost exclusively assigned to hear juvenile dependency, juvenile delinquency, and mental health matters.

*Assignment Method*

- The majority of courts indicate that they use some type of judicial assignment method in assigning a judge rather than a commissioner or referee to a particular type of proceeding.

- The most common types of assignment methods used by courts are:
  - Judicial preference;
  - Rotation system;
  - Seniority; and
  - Expertise of individual judicial officers.
- In addition, courts indicate that they place their most senior judicial officers in the following areas, listed in order of likelihood:
  - Civil (21 responses);
  - Criminal (21);
  - Juvenile dependency (12);
  - Juvenile delinquency (10);
  - Probate (10);
  - Family (9); and
  - Mental health (5).

*Need for Additional Judicial Resources*

Courts were asked to indicate those areas involving children and families where they need additional judicial resources. The percentage of respondents indicating a need for additional judicial officers by case type is presented below in Table 3.

**Table 3**  
**Need for Additional Judicial Resources by Case Type**

<b>Judicial Officer</b>	<b>Criminal</b>	<b>Family</b>	<b>Juvenile Dependency</b>	<b>Juvenile Delinquency</b>	<b>Probate</b>	<b>Mental Health</b> <small>(child is the subject)</small>
<b>Judges</b>	<b>30%</b>	<b>53%</b>	<b>47%</b>	<b>44%</b>	<b>7%</b>	<b>5%</b>
<b>Commissioners</b>	<b>5%</b>	<b>28%</b>	<b>7%</b>	<b>7%</b>	<b>2%</b>	
<b>Referees</b>			<b>5%</b>	<b>2%</b>		

- A significant number of courts report that they have a need for additional judges to hear matters involving children and families, especially in the areas of family law, juvenile dependency, and juvenile delinquency.
- A need is also reported for additional commissioners in the family law area, and to a lesser degree in juvenile matters.

*Need for Additional Support Staff for Judicial Officers*

In the same sense, courts indicated those areas where they need additional support staff for judicial officers hearing matters involving children and families. Results are presented in Table 4 on the following page.

**Table 4**  
**Need for Additional Support Staff by Case Type**

<b>Support Staff</b>	<b>Criminal</b>	<b>Family</b>	<b>Juvenile Dependency</b>	<b>Juvenile Delinquency</b>	<b>Probate</b>	<b>Mental Health (child is the subject)</b>
<b>Research Attorneys</b>	<b>17%</b>	<b>27%</b>	<b>37%</b>	<b>34%</b>	<b>20%</b>	<b>10%</b>
<b>Clerks</b>	<b>17%</b>	<b>59%</b>	<b>51%</b>	<b>46%</b>	<b>7%</b>	<b>5%</b>
<b>Bailiffs</b>	<b>5%</b>	<b>24%</b>	<b>15%</b>	<b>17%</b>	<b>2%</b>	<b>2%</b>

- A significant need exists for support staff for judicial officers across all areas involving children and families.
- The greatest need appears to be for additional clerks in the areas of family law, juvenile dependency, and juvenile delinquency.
- Additional research attorneys are needed in all areas, especially in juvenile matters.
- As with clerks, the need for additional bailiffs is concentrated in the family law, juvenile dependency, and juvenile delinquency areas.
- In probate and mental health, although the need for additional clerks and bailiffs is reported to be low, there is a relatively high reported need for additional research attorneys.

***Part B: Special Programs***

*Unified Family Court*

- Seven courts out of 41 (17 percent) reported that they have a coordinated or unified family court.
- *All* of the counties that have a coordinated or unified family court indicated that the family court hears the following matters:
  - Child custody and visitation
  - Child support
  - Domestic and family violence
- *Most* of the counties that have a coordinated or unified family court indicated that the family court hears the following matters:
  - Adoption
  - Divorce
  - Emancipation
  - Juvenile delinquency
  - Juvenile dependency
  - Juvenile status offenses
  - Legal separation
  - Marriage annulment
  - Paternity

- The remaining matters are heard by only a small number of these seven unified or coordinated family courts.
  - Criminal matters
  - Mental health
  - Guardianship
  - Probate

*Staff in a Case Management/Triage Capacity*

- Ten courts out of 41 (24 percent) report having any staff serving in a case management/triage capacity.

*Innovative Programs*

Table 5 below shows the percentage of courts that offer various innovative court programs.

**Table 5**  
**Innovative Programs**

<b>Programs</b>	<b>Percentage</b>
Domestic violence court (civil)	66%
Juvenile traffic court	56%
Victim/offender mediation	49%
In-home probation	46%
Guardianship mediation	44%
Restorative justice	42%
Domestic violence court (criminal)	34%
Juvenile drug court	34%
Family group conferencing	34%
Help centers	29%
Dependency court mediation	20%

- Two specialty courts, civil domestic violence court and juvenile traffic court (66 percent and 56 percent, respectively), are the innovative services offered most frequently by courts.
- Each of the other reported innovative programs is offered in less than half of the courts that responded.

## Section II: Client Population

This section of the survey collects information on the families and children that appear in each court. Specifically, this section aims to determine the extent that families or family members are involved in proceedings on more than one calendar (that is, “crossover” proceedings), as well as on which calendars these proceedings are most likely to cross over. This section contains two identical parts; the first is for the court administrator who completed Section I, and the second can be completed by any one of the judges who completed Section III.

Because of the complexity and difficulty in tracking crossover proceedings on a case-by-case basis and the burden that this would have created for judges and court staff, we decided to have the participating courts estimate this information based on a designated one-week period. Respondents completing these two parts were instructed to base their estimates on the same designated one-week period.

### *Tracking Crossover Proceedings*

Both court administrators and judicial officers were asked whether their court currently keeps track of families or family members involved in crossover proceedings. Results are presented in Table 6 below.

**Table 6**  
**Tracking Crossover Proceedings**

<b>Response</b>	<b>Court Administrator</b>	<b>Judicial Officer</b>
Yes	23%	23%
No	74%	69%
Don't know	3%	8%

- According to both court administrators and judicial officers, less than one-fourth of the courts responding to this question currently keep track of families or family members involved in crossover proceedings.
- A small percentage of respondents indicated that they did not know whether their court currently tracks crossover proceedings.

### *The Extent of Crossover Proceedings*

Table 7 on the following page presents the estimates by both court administrators and judicial officers of the percentage of families or family members who had other cases pending before the court.

**Table 7**  
**The Extent of Crossover Proceedings**

<b>Percentage of Crossover Cases</b>	<b>Court Administrator</b>	<b>Judicial Officer</b>
Less than 5%	21%	21%
5–10%	28%	24%
10–20%	13%	14%
20–30%	13%	19%
30–40%	8%	14%
40–50%	3%	0%
Greater than 50%	15%	7%

- Court administrators and judicial officers generally agree on the percentage of families or family members who had other cases pending in their court.
- The largest proportion of both court administrators and judicial officers estimated that between 5 and 10 percent of the families or family members in their court had other pending cases, followed by those who responded that crossovers occurred in less than 5 percent of the cases.
- However, almost 40 percent of court administrators and judicial officers indicated that they felt that the incidence of crossover cases was greater than 20 percent during the designated one-week period.

Table 8 below compares the estimates of crossover cases for respondents in courts that currently keep track of families or family members involved in crossover proceedings and those respondents in courts that do not track crossover cases.

**Table 8**  
**Estimates of Crossover Cases in Courts that Do and Do Not Track Them**

<b>Percentage of Crossover Cases</b>	<b>Track</b>	<b>Do Not Track</b>
Less than 5%	5%	19%
5–10%	26%	30%
10–20%	11%	17%
20–30%	21%	15%
30–40%	21%	9%
40–50%	5%	0%
Greater than 50%	11%	7%

- Respondents in courts that currently keep track of families or family members involved in crossover proceedings reported a higher incidence of crossover cases during the designated one-week period than those respondents in courts that do not keep track.
- For example, 37 percent of respondents in courts that track crossover proceedings estimated that the incidence of crossover cases was greater than 30 percent during the designated one-week period. The corresponding figure from courts that do not track crossover proceedings is only 16 percent of respondents.
- It seems possible that respondents in courts that do not track crossover proceedings underestimate the extent of crossover cases in their court since they do not have any information to guide their estimates.

Respondents were asked to estimate which five calendars are most likely to be involved when families or family members are part of proceedings on more than one calendar. Table 9 lists in rank order for both court administrators and judicial officers the calendars most likely to be involved in crossover proceedings.

**Table 9**  
**Calendars Involved in Crossover Proceedings**

Rank	Court Administrator (n=39)*			Judicial Officer (n=52)*		
	Calendar	#	%	Calendar	#	%
1	Domestic and family violence	30	77%	Domestic and family violence	41	79%
2	Juvenile dependency	26	67%	Juvenile dependency	35	67%
3	Divorce/dissolution	23	59%	Divorce/dissolution	30	58%
4	Child support	22	56%	Child custody/visitation	26	50%
5	Criminal	20	51%	Criminal	23	44%
6	Child custody/visitation	18	46%	Child support	22	42%
7	Juvenile delinquency	18	46%	Juvenile delinquency	19	37%
8	Paternity	12	31%	Paternity	15	29%
9	Guardianship	7	18%	Guardianship	9	17%
10	Adoption	4	10%	Drug Court	6	12%
11	Drug Court	3	8%	Adoption	4	8%
12	Probate	1	3%	Probate	1	2%
13	Emancipation	1	3%	Emancipation	0	0%

\*  $\underline{n}$  = The number of court administrators and judicial officers who responded to this question.

- There is strong agreement between court administrators and judicial officers on the calendars estimated as most likely to be involved in crossover proceedings.
- Over three-fourths of both court administrators and judicial officers indicated that parties involved in domestic and family violence proceedings are likely to have other proceedings before the court; two-thirds of the respondents felt that juvenile dependency proceedings were likely to be involved in a crossover situation.
- Other proceedings likely to cross over to other calendars according to both court administrators and judicial officers are as follows:
 

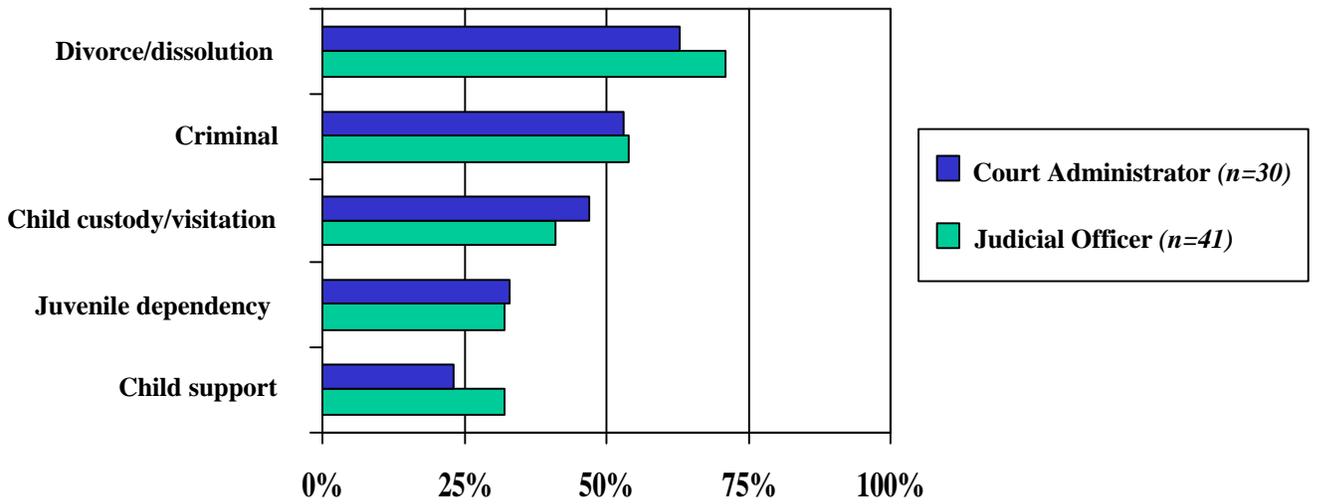
—Divorce/dissolution	—Child support
—Criminal matters	—Child custody/visitation
—Juvenile delinquency	—Paternity
- Relatively few court administrators or judicial officers indicated that parties involved in guardianship, adoption, drug court, probate, or emancipation proceedings are likely to have other proceedings before the court.

For each of the five calendars ranked most likely to be involved in crossover proceedings by court administrators and judicial officers, respondents were asked to indicate which other calendars they are most likely to cross over with. The following series of figures illustrate, for selected calendars, some of the other calendars that they are most likely to cross over with. The number of court administrators and judicial officers reporting crossovers in each of the following figures are taken from Table 9 on the preceding page.

In Figure 4 on the following page, for example, over half of the 30 court administrators and 41 judicial officers who stated that domestic and family violence cases are likely to be involved in a crossover indicated that domestic and family violence cases tend to cross over with divorce/dissolution cases and criminal matters. Other proceedings likely to crossover with domestic and family violence cases are child custody/visitation, juvenile dependency, and child support cases. In other words, the results contained in Figure 4 do not represent the percentage of all domestic and family violence cases that crossover with other proceedings. Instead, they provide an estimate of the proceedings most likely to be involved when a domestic and family violence case crosses over with another proceeding.

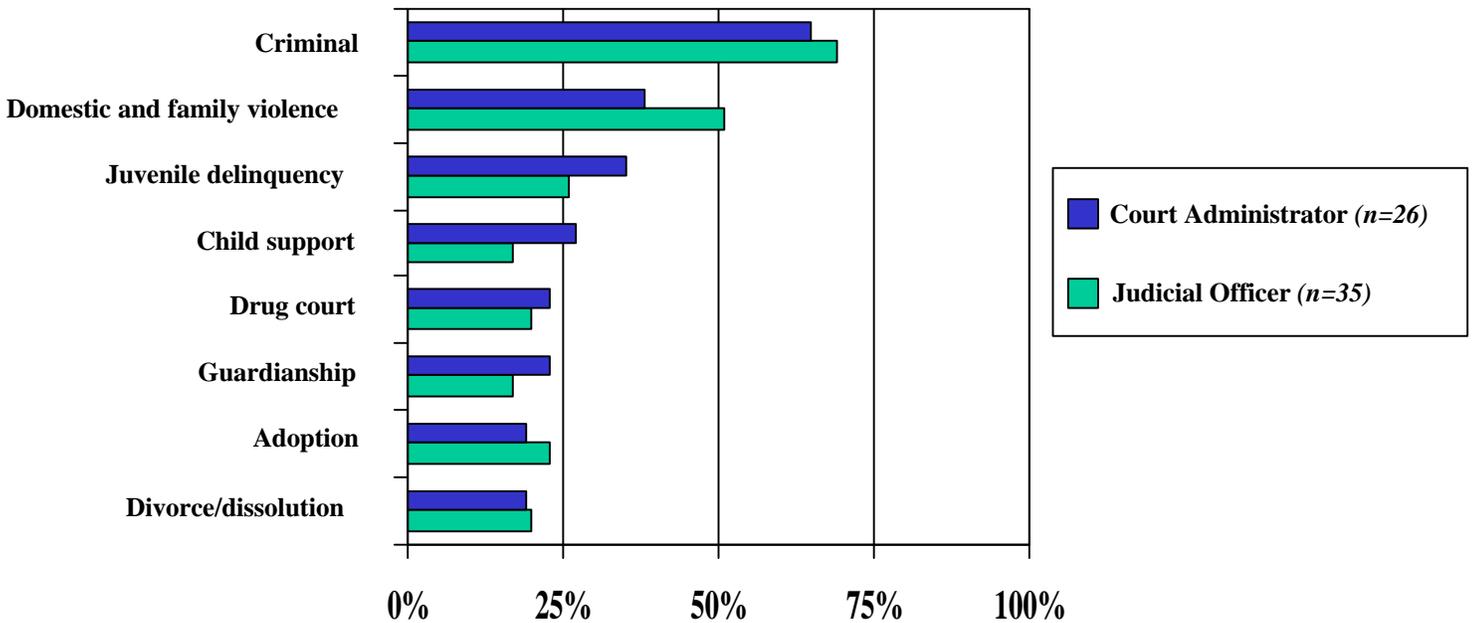
The high level of agreement between court administrators and judicial officers on the calendars estimated to be most likely involved in crossover proceedings with domestic and family violence cases provides face validity to these results.

**Figure 4**  
**Cases Crossing Over With Domestic and Family Violence**

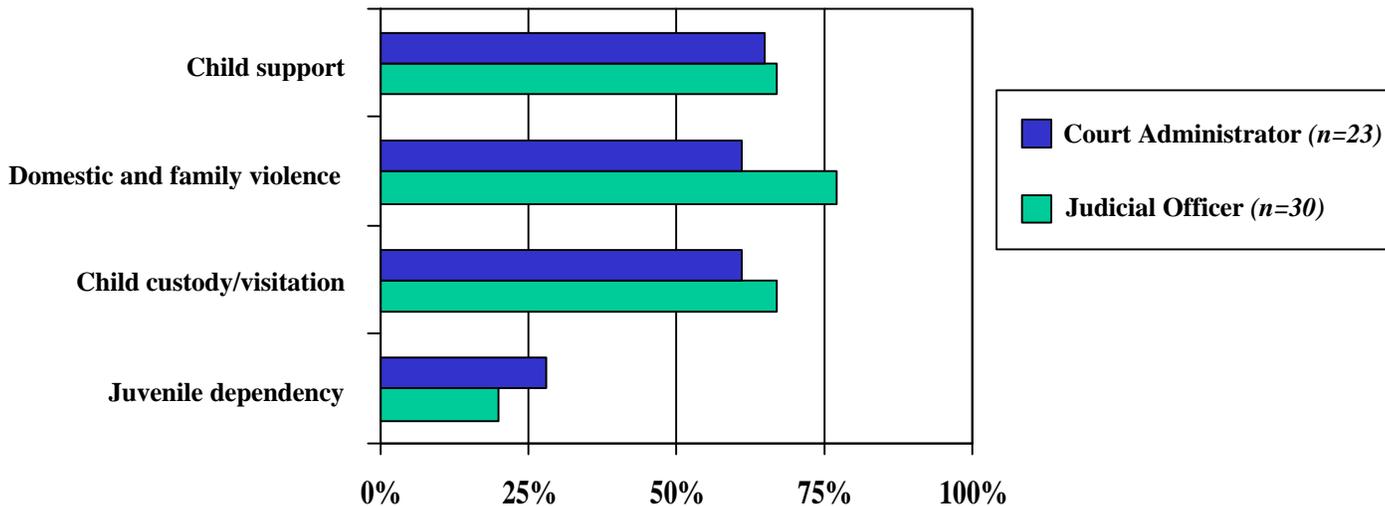


The remaining figures can be interpreted in a similar fashion to that of Figure 4.

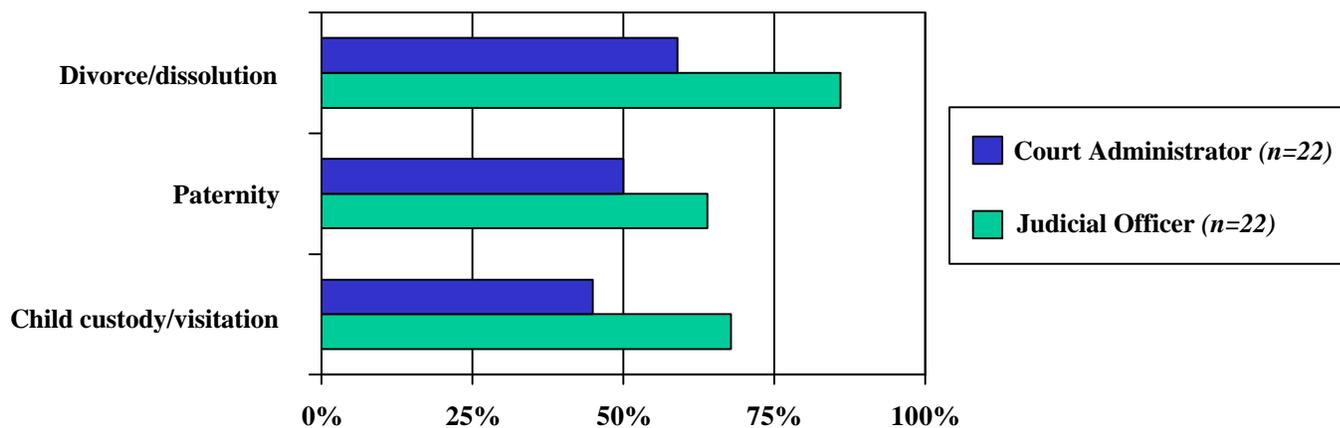
**Figure 5**  
**Cases Crossing Over With Juvenile Dependency**



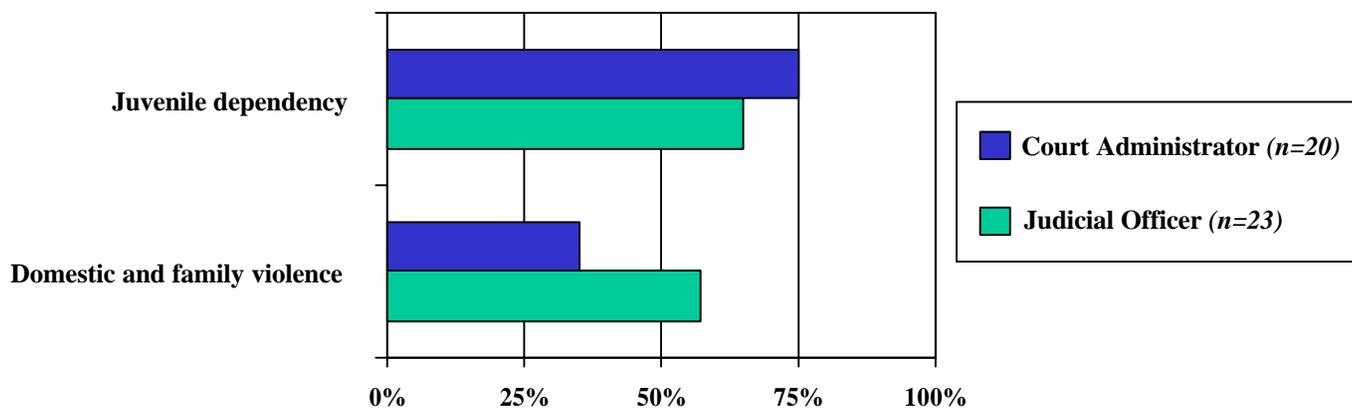
**Figure 6**  
**Cases Crossing Over With Divorce/dissolution**



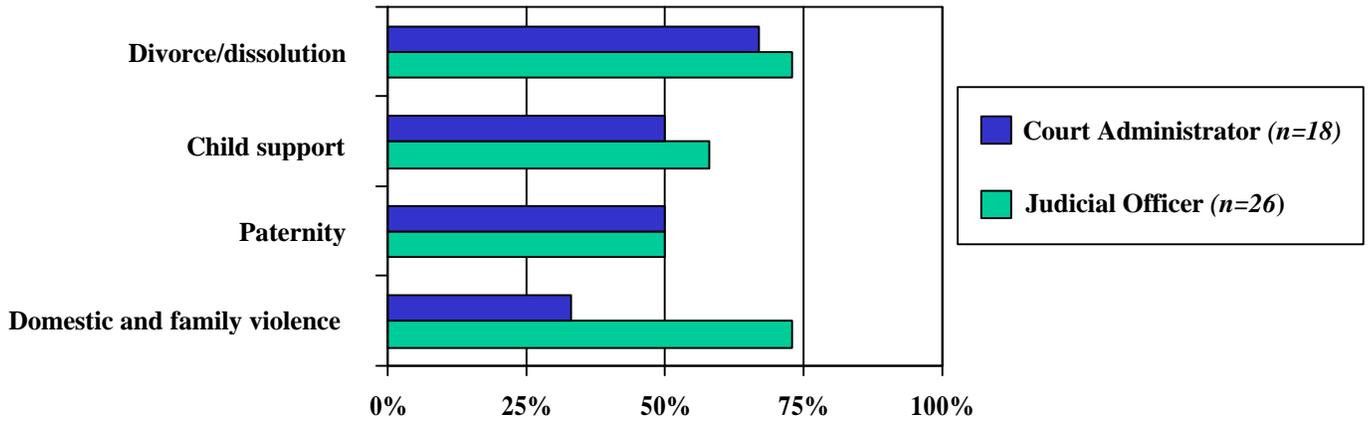
**Figure 7**  
**Cases Crossing Over With Child Support**



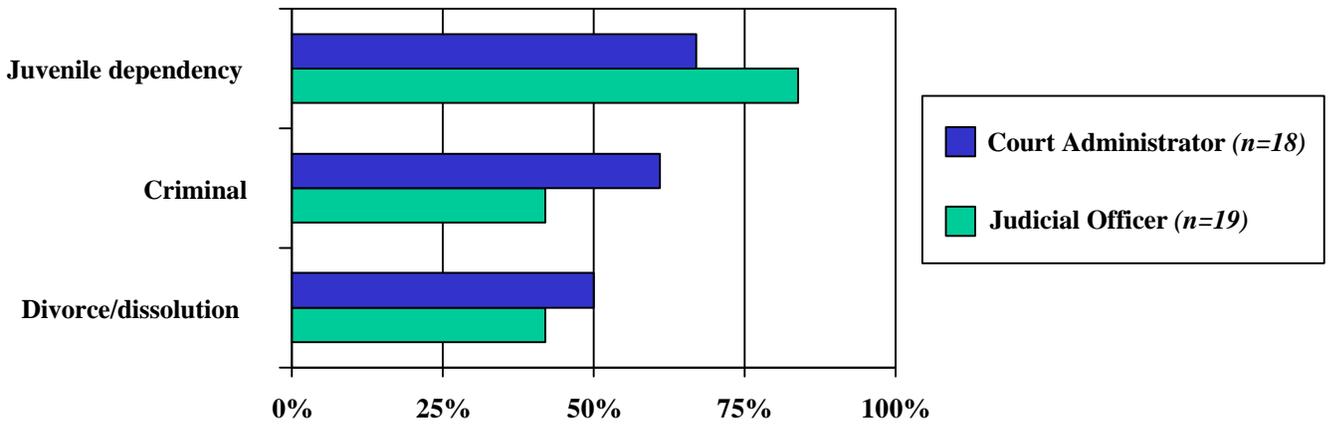
**Figure 8**  
**Cases Crossing Over With Criminal Proceedings**



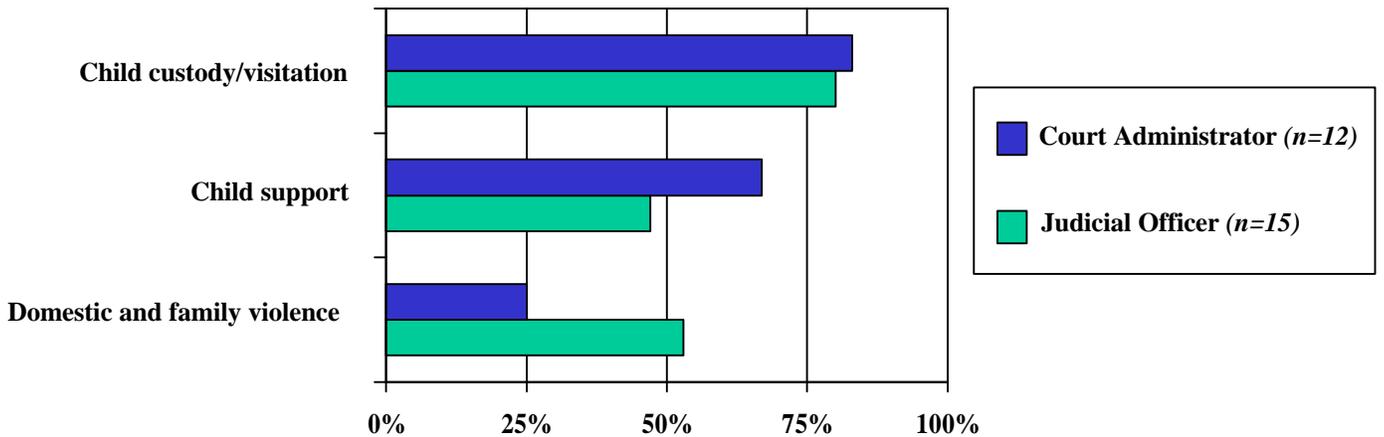
**Figure 9**  
**Cases Crossing Over With Child Custody/Visitation**



**Figure 10**  
**Cases Crossing Over With Juvenile Delinquency**



**Figure 11**  
**Cases Crossing Over With Paternity**



### **Section III: Judicial Response**

This section of the survey was designed to assess the attitude of judicial officers concerning coordinating or unifying the family court system.

- Of the responding judicial officers, 73 percent believe that coordination or unification of the family court system would be beneficial to their court system, compared to 27 percent who believe it would not be beneficial.
- Some examples of the judicial officer's explanations are presented below:

#### **Beneficial**

*If a family can be brought to court on related issues in fewer hearings, then the court has less work. Litigants will also be best served as many issues overlap in family and juvenile proceedings.*

*Coordination is a more effective way of handling any judicial workload.*

*Having all parts of the family's business in the same court would give the judge greater insight into the causes of the family's problems and give indication for treatment.*

#### **Not Beneficial**

*Case volume and method of calendaring make it impractical and difficult to justify.*

*Only four judicial positions; seems better suited for mid-sized and large courts.*

*We are a smaller court and don't need it. We already communicate with each other. Coordination or unification merely adds unnecessary rules, regulations, and protocols.*