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New Statewide Report Proposes Major Reforms for Family Law Court

Judicial Council Today Accepts Elkins Task Force Report; 117 Recommendations to Increase Fair and Efficient Justice for California Family Law Litigants

San Francisco—The Judicial Council of California today accepted a sweeping report designed to increase access to justice for the thousands of Californians who appear in family law court every year.

The report by the council's Elkins Family Law Task Force results from a comprehensive two-year study that seeks to ensure fairness and due process in family law courts and provide more effective and consistent family law rules, policies, and procedures.

Developed by a 38-member task force, the recommendations are aimed at improving all aspects of family law court—from securing more judicial officers for historically underresourced courts with overwhelming caseloads to expanding legal services for the many litigants who cannot afford to hire an attorney.

“California’s family courts are struggling with enormous caseloads, complex legal issues, and increasing numbers of self-represented litigants,” stated Chief Justice Ronald M. George, chair of the Judicial Council. “I am pleased that the Elkins Family Law Task Force has developed comprehensive recommendations to provide greater access to justice, improve processes and procedures, and address the critical resource needs of these important courts.”

Court of Appeal Justice Laurie D. Zelon, chair of the Elkins task force, said: “Family law touches the most central aspects of people’s lives: their children, their safety, and their finances. The task force recommendations reflect the vital importance of these cases and the need to increase the resources available to meet them. I am deeply grateful for the task force’s unwavering commitment to positive change to dramatically improve the

courts' handling of these cases in the short- and long-term.”

The task force's recommendations fall into five general categories:

- 1. Create efficient and effective procedures to help ensure justice, fairness, due process, and safety.** These recommendations would enhance the right of parties to present live testimony before a judicial officer; protect the safety of children and litigants; and create a caseload management system to better regulate the timely consideration of family law cases. Unlike other civil cases, family law cases are not generally governed by caseload management rules.
- 2. Provide more effective child custody procedures for a better court experience for families and children.** The proposals would set standards for determining when and how children should meaningfully participate in family law matters; develop statewide rules to govern the appointment, responsibilities, and training of minor's counsel; and develop mediation pilot projects.
- 3. Ensure meaningful access to justice for all litigants.** The proposals would increase the availability of legal services and representation, especially for self-represented litigants; expand services to help litigants resolve their cases through settlement assistance; improve litigant education about the family court; provide interpreters when needed; and improve court facilities.
- 4. Improve the status of, and respect for, family law litigants and the family law process through judicial leadership.** The recommendations would help ensure that family law courts have adequate financial resources through court rules that would enhance the status of family law supervising judges. The recommendations also would encourage experienced family law attorneys to become judges; promote the assignment of judicial officers to family law; improve judicial branch education for judicial officers and court staff; and create a public information program to educate the public about family court services.
- 5. Encourage future innovation.** The proposals would establish a California Family Law Innovation Project to encourage continual improvement in the state family courts. The recommendations also advocate for more empirical research on family law courts; improved statewide statistical reporting; the development of performance measures for the family courts; and expedited appeals in child custody cases.

The task force was appointed in response to a California Supreme Court opinion, *Elkins v. Superior Court* (2007) 41 Cal.4th 1337, which held that marital dissolution trials should “proceed under the same general rules of procedure that govern other civil trials.” The ruling recommended that the Judicial Council establish a task force to study and propose measures to assist courts in improving efficiency and fairness in family law proceedings and ensuring access to justice for all family law litigants.

In other action today, the Judicial Council approved the establishment of a committee that would implement the task force's recommendations. The full report of the Elkins Family Law Task Force is posted on the California Courts Web site at www.courtinfo.ca.gov/jc/documents/reports/20100423itemj.pdf.

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