



AMERICAN INSTITUTES FOR RESEARCH

Unified Family Court Evaluation Literature Review

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Prepared for:
Alexa Hirst
Center for Families, Children & the Courts
Administrative Office of the Courts
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102

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I. INTRODUCTION

In August 2000, the Judicial Council of California presented a three-year operational plan designed to address the goals of its strategic plan of *Leading Justice into the Future*. The plan identifies the establishment of unified or coordinated family court systems as a high priority strategy related to the accomplishment two goals: improving the quality of justice and service to the public. The Judicial Council has allocated at least \$1.3 million per year to a *Unified Courts for Families Initiative* facilitated by the Administrative Office of the Courts (AOC) for implementation of this strategy

A. Need for Unified or Coordinated Family Courts

Historically, the concept of a family court is one of a separate court or division of a state court of general jurisdiction that has subject-matter jurisdiction over all legal issues related to families and children. The general goal of a family court, as proposed in the 1959 Standard Family Court Act¹ (“the Act”), is to protect and safeguard the family unit by “...*affording family members help in resolving their justiciable problems and conflicts arising from inter-personal relationships...*” Offered as a model for legislation by three organizations of national repute, the Act helped legitimize the idea that the court might deviate from traditional adversarial procedures to resolve family conflicts. (Babb, 1998a)

Over the next several decades several states began operating or serious study of the feasibility of family court consolidation, and the American Bar Association (ABA) began addressing the issue of the role of the courts in family issues in their 1974 Standards Relating to Court Organization. (Hurst, 1999) With respect to family jurisdiction, Standard 1.12 recommends that the court should have jurisdiction over all family proceedings, including those concerning family relationships and all matters concerning juveniles.

In principle, the family court integrates jurisdiction over all matters involving domestic relations or family dispute (e.g., dissolution, paternity, custody, visitation, domestic violence, etc.) with juvenile cases (e.g., dependency, delinquency, status offenses, juvenile traffic matters, adoption, abuse and neglect, etc.). Some family court proponents also argue for including adult and juvenile guardianships and conservatorships, and mentally retarded and mental health matters (Katz and Kuhn, 1991; Page, 1998; Petre, 1999). While there is general agreement on the need to consolidate family law cases to

¹ The Standard Family Court Act is model legislation proposed in 1959 by the National Probation and Parole Association (later the National Council on Crime and Delinquency), the National Council of Juvenile Court Judges (later the National Council of Juvenile and Family Court Judges) and the U.S. Children’s Bureau.

provide for better coordination and management of cases involving the same family, there is no consensus on exactly which types of cases should be included within the family court jurisdiction.

Family law cases represent the largest and fastest-growing segment of state civil caseloads. In the 1990s, they were estimated to constitute over one-third of the civil cases handled by the nation's courts. In addition, family law cases have become more complex in part as a result of changing structures of families and courts (Babb, 1998b). According to the ABA (Presidential Working Group, 1993) these changes have increased or at least highlighted the great extent to which:

- single families confront multiple issues that are being handled concurrently as separate cases across several judicial officers,
- adversarial methods address the legal issues, but not the underlying interpersonal issues in family disputes that need to be tackled to avoid a recurrence of the problem,
- families lack legal counsel and familiarity with legal procedures,
- court decisions in family law matters need to be monitored after disposition, and
- courts need to coordinate with social service or treatment agencies in family law cases.

Addressing these issues is complicated by the lack of coordination that exists in the courts' effort to adjudicate multiple or repeat issues involving the same family. For example, all or some family members may appear before one judge on one issue (e.g. marital dissolution), and a different judge or judges on other issues (e.g., child abuse, delinquency). This fragmentation in managing cases, combined with lack of a system for sharing information among judges and court staff frequently give rise to conflicting orders and duplicative services. The consensus among advocates of unified family courts is that the legal needs of children and families can best be addressed through holistic and therapeutic approaches to the litigation process that takes account of the personal and social issues of family members, as well as the legal issues. (Babb, 1998c; Kuhn, 1998; Ross, 1998).

B. California Unified Courts for Families Program and this Evaluation

The Judicial Council of California's *Unified Courts for Families Initiative* attempts to address the issues raised by the ABA. The California *Initiative* is based on the premise that a unified or coordinated family court provides a more efficient and effective

approach to serving the needs of children and families than the traditional compartmentalizing of related family cases that has often characterized court operations.

The *Initiative* is being conducted in two phases. The planning phase runs from June through November 2002 and involves 31 courts working with the AOC to assess service and case coordination needs and create comprehensive action plans for unified court projects. The implementation phase will focus on six family court pilot projects put into practice from 2003 through 2005. For this phase six mentor courts will be selected through a competitive process, and will be required to evaluate their family court programs, share what they have learned from with other courts, and assist other courts in creating similar projects.

C. Purpose of Literature Review

As a component of this Initiative, the American Institutes for Research (AIR) under contract to the AOC is working with the courts to:

- develop an evaluation plan that will be usable across all six pilot sites, and
- begin data collection for the evaluation plan between January 2003 and May 1, 2003 by collecting baseline and formative evaluation data in each of the mentor courts.

As a first step toward developing the evaluation plan, we review studies of unified family courts conducted in a number of states as well as studies of courts that specialize in child abuse and neglect or dependency. This review summarizes the main features of programs for which evaluations have been conducted and discusses the methods used to evaluate those courts. This review of court evaluations will serve to

- identify useful methodologies for evaluating unified family court programs in California,
- identify indicators or measures that were used in the evaluations,
- anticipate potential problems in implementing an evaluation, and
- suggest requirements for California's mentor court programs.

II. BASIC INFORMATION ON UNIFIED FAMILY COURTS

A. General Goals of Unified or Coordinated Family Court Programs

Consistent with the holistic and therapeutic viewpoints of unified family court advocates, the general goals of a unified or coordinated family court call for enhancing coordination of cases involving the same family, offering families dispute resolution services that are accessible, reliable, cost-efficient, user-friendly, and time-conscious, and linking families to the appropriate social, psychological, and legal service providers in an efficient and timely manner (e.g., Kuhn, 1998). The end objective is to enable families to develop the skills needed to be better able to prevent problems and resolve their own disputes in a less adversarial forum. In turn this may help reduce the need for court intervention.

While the therapeutic objectives of family courts push court boundaries on working with social service agencies, and the interrelatedness of family cases challenges the courts to coordinate its services to families, these general goals of unified family courts are consistent with the fundamental principles that underlie the Trial Court Performance Standards and, for convenience of discussion, are elaborated using those principles (Flango, Flango, and Rubin, 1999):

- *Access to justice* – Families need to have easy-to-use and affordable access (in terms of both cost and duration of litigation) to courts with proceedings that 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 limit delays in handling of individual and inter-related 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 appropriately trained judicial officers 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 to provide for 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 facing a family are not adequately

resolved in isolation from other personal and social issues. Courts need to collaborate with external service agencies to provide the social and treatment services that families may need. At the same time Courts must maintain the institutional independence needed to be a neutral forum for making decisions when families are in 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.” (Flango, Flango, and Rubin, 1999:99).

These goals are reflected in the features that the AOC is looking for in pilot projects for the mentoring court program. The AOC anticipates that those projects will establish broad jurisdiction over cases affecting children and families, coordinate cases involving the same family, identify a model for coordinating cases, operate a case management system in which key information is shared among judges and court staff, make the court experience more user-friendly for litigants, foster collaboration between the court and community service agencies, provide assistance to self-represented litigants, be adequately staffed by judicial officers and court staff, and engage in collaborative problem solving by all key stakeholders. In particular, coordinated information about related cases is expected to result in fewer conflicting orders, fewer court appearances, more informed and effective judicial decisions, and improved delivery of services to children and families.

While program advocates articulate the general goals of unified family courts found in the literature, the specific goals of the pilot programs in California will depend on the stakeholders in those programs. The primer on “Methodological Considerations in Evaluating Family Court Programs” (Braver, Smith, and DeLusé, 1997) notes that the first step in a formative evaluation is to turn to the stakeholders (e.g., families, judicial officers, court staff, agency staff, and community representatives) to identify specific program goals. The thirty-one California Superior Courts that have planning grants under the Unified Courts for Families Initiative have already identified the local stakeholders and have involved those stakeholders in their planning efforts.

B. Models Used by Courts to Unify or Coordinate Family Cases

The general goals of family court unification and coordination can be accomplished in several ways. Table 1 on the following pages outlines alternative models or mechanisms that have been used to provide more coherent and better coordinated court services for

cases involving the same family. The table provides a brief description of the method, structure, and function for each model along with the advantages and disadvantages. These models are descriptive and do not imply that any one approach is best. A single model is not likely to fit all situations and courts may implement features of multiple models to meet their specific circumstances. For example, the volume of family cases handled by a court may determine the extent to which specialized coordination mechanisms are needed. Smaller courts for example may be able to identify cases from the same family and share information among judges and court staff with a less sophisticated information system than required for larger courts. Courts that cover a smaller geographic area may find it feasible to consolidate the family court into a single facility, whereas such a system would limit a family's access in courts that cover large geographic areas or contain significant geographic barriers (e.g., mountain ranges). Individual courts can consider the advantages and limitations as shown for each of these models and tailor the coordination components from the various models to fit the particular needs of their county.

Table 1: Court Based Unification and Coordination Models for Family Cases

Sources: Flango, Flango, and Rubin, 1999 and Family and Juvenile Law Advisory Committee for Judicial Council 2002

| Coordination Method | Structure/Position | Function | Advantages | Disadvantages |
|--|--|--|--|--|
| Unified Family Court System | Family court is a division of Superior Court: All proceedings involving family heard in one court; Division is unified administratively. | Court has broad jurisdiction over all matters affecting family; Court functions as co-equal to civil and criminal divisions. | Judicial officers and staff aware of all related family proceedings; Services given to treat problem not tied to specific court; Continuity between proceedings so users know where to go. | Judicial officer access to all information not always beneficial (e.g., access to irrelevant information may bias judge or caseworker). |
| One Judicial officer/Staff, One Family | Single judicial officer, social worker, mediator and/or court staff to hear or staff all proceedings involving single family. | Once family assigned to judicial officer, all subsequent proceedings assigned to same judicial officer; One staff (e.g. social worker, attorney) handles all proceedings for a family. | Judicial officer makes more informed decision because of awareness of all issues facing family; Family may develop bond with judicial officer that benefits court and family. | Too much familiarity with family could lead to reliance on information known to judicial officer or staff that should not be considered in making a decision. To the extent that a single judicial officer does not have a background in all legal issues facing a family, there is a loss of legal expertise. |
| One Court Facility for Related Proceedings | Related proceedings consolidated in separate building or portion of courthouse. | Proceedings involving children or families relocated to separate facility; Regional facilities could co-locate proceedings courthouse or portion of courthouse. | Holding proceedings in same facility fosters communication between judicial officers and staff; Continuity for family who know where to go | Not practical or preferable in geographically large county or county with large population. |
| Court-based Intake | Advocate and/or Intake Coordinator | Intake coordinator brings together interested parties to develop single-family plan regardless of number of proceedings. Plan addresses variety of family needs (e.g., medical, financial, transportation, safety, etc. Advocate acts as liaison to service agencies | Advocate and Intake Coordinator can keep court aware of related proceedings; More efficient coordination of hearings and services may reduce judicial workload. | May require organizational, staff, and data system changes for initial start. |
| Information Technology | Computer system linking all cases and information. | Computer cross-references cases and provides updates on compliance with orders and case plan. | Provide judicial officers access to all relevant information on the bench; Links cases in different courts. | May not be feasible in some larger counties; requires additional staff to input data; Could be costly to provide and maintain computers at each bench |
| One File/One Family | Each family assigned one file for all proceedings. | Once family is assigned number in system, all subsequent cases involving family assigned to same file. | All information from prior proceedings available in future proceedings; Judicial officers, court staff, and attorneys aware of simultaneous proceedings in other courts. | Some information available to judicial officers is confidential and should not be accessed in other proceedings; Judicial officer may rely on inadmissible evidence. |

Table 1: Court Based Unification and Coordination Models for Family Cases

Sources: Flango, Flango, and Rubin, 1999 and Family and Juvenile Law Advisory Committee for Judicial Council 2002

| Coordination Method | Structure/Position | Function | Advantages | Disadvantages |
|------------------------------|--|--|---|---|
| Continuity of Representation | Court-appointed counsel | Single attorney to handle all proceedings in which party entitled to court-appointed atty. Assignment secretary cross-references new requests and assign to appropriate attorney; Judicial officer determines need and appoints counsel. | Person represented by counsel has attorney knowledgeable about them and better able to represent because of continuity. | Person represented by court-appointed attorney in one proceeding may not be eligible in another. |
| Court Related Services | Service coordinator or service center in court or courthouse | Judicial officer has flexibility to order services to treat problems regardless of the calendar from which the case arose. | Services or referrals provided are based on need rather than funding stream; Provide services or referrals in coordinated manner that avoids duplication; Families provided best service for their situation. | Some funds tied to specific programs and cannot be utilized without specific rulings; Locating service centers in the court requires space that may displace others; County has to pay costs not reimbursed by state or federal government. |

III. EXISTING EVALUATIONS OF UNIFIED FAMILY COURTS

A. Introduction

A number of databases were searched to identify scientific evaluations of unified family courts. The databases included Lexis for law articles and various behavioral and social science search engines for articles in psychology, sociology, and public policy. The references in reviewed articles were searched for evaluations. The National Center for Juvenile Justice's annotated bibliography was reviewed for research on unified family courts. A Web search was undertaken, and individuals known to be involved with the establishment of family courts were contacted.² The review article by Kuhn (1998), although a few years old, indicated there have been few evaluations of unified family courts. Evaluations were identified and obtained evaluations for unified family courts in Colorado, Indiana, Kentucky, New Hampshire, Ohio, Oregon, and Virginia. Each of these evaluations receives a fairly detailed review. Evaluations of courts processing child abuse and neglect cases or dependency in Arizona, Pennsylvania, and Wisconsin were also identified and obtained. Because these latter courts adjudicate juvenile issues similar to those adjudicated by unified family courts, they were included in this literature review. These evaluations receive a more limited review.

B. Formative and Summative Evaluations

Researchers typically identify two types of evaluations, *formative* and *summative*. *Formative evaluation* involves gathering information as the program is implemented, with the focus on finding out whether the program is unfolding as planned, uncovering any obstacles, barriers or unexpected opportunities, and identifying mid-course adjustments and corrections that can help insure the success of the program (Rossi, Freeman, & Lipsey, 1999). In the case of unified family courts, for example, a formative evaluation might (1) document how crossover cases were handled before unification, (2) look into the problems encountered before unification, (3) gather information on goals, organizational structure, and case processing guidelines of the unified family court, (4) explore which aspects of the implementation are or are not working well, and (5) what can be done to improve implementation. The formative evaluation might also explore the experiences of families, judicial officers, court operations, and community service agencies. The audience for the findings of formative evaluations is typically program administrators and other stakeholders who are interested in knowing what worked and what did not work following implementation. Research methods often include field observations, surveys, interviews, and focus groups involving most or all of the program's stakeholders.

² We talked with Patricia Badland and Christopher Hill in Florida, Fannie Hill in Indiana, Karla Kreitman in Kentucky, and Greg Halemba of the of the National Center for Juvenile Justice.

Summative evaluation involves an assessment of the programs intended outcomes. In the case of unified family courts, a summative evaluation might (1) identify the number of families who have participated in the unified family court, (2) classify the types of cases they presented to the court, (3) describe what judicial and social services have been provided to the families, and (4) assess what improvements resulted from their participation in the unified family court. The “improvements” might include disposition times before and after implementation for different types of cases, compliance with court orders, completion of service plans, new filings for a family after disposition of earlier cases, etc. The summative evaluation also might look at the expected outcomes for different parties such as families, judicial officers, court operations, and community service agencies. Because summative evaluations may be used to make important decisions regarding program continuation, allocation of resources, or program restructuring, such evaluations require “information of sufficient credibility under scientific standards to provide a confident basis for action and to withstand criticism aimed at discrediting it” (Rossi, Freeman, & Lipsey, 1999, p. 42).

Researchers conducting summative evaluations of social programs frequently employ what is known as quasi-experimental research (Campbell & Stanley, 1963; Cook & Campbell 1979). Typically in experimental research, subjects are randomly assigned to two groups, a test group and control group. The experimental treatment is applied to the test group and then the two groups are compared on the outcome(s) of interest. This research design controls for threats to internal validity.³ An experimental study of unified family courts, theoretically it would randomly assign families with multiple cases to either the unified family court (test group) or the traditional court (control group), then compare outcomes such as the timeliness of court proceedings, specificity of court orders, use of alternative dispute resolution (ADR), etc. This research design may not be practical for a number of reasons. For example, contemporary research standards generally require informed consent from participants in experimental research. Some families might not agree to random assignment, which could introduce selection biases into the research design. In addition, ethically it may not be fair to deny families assigned to the control group the broader services offered by a unified family court. And, politically, legislation may require jurisdictions to provide unified family court services to all eligible families.

To address these limitations, an alternative quasi-experimental design might be used. Such a design would involve selecting a random sample of cases that went through the court system after the unified family court is implemented (test group) and comparing the outcomes for these cases to those of a random sample of cases that when through the court system before

³ Internal validity is a check for experimental effect. It asks whether the experimental treatment (the independent variable) had a significant effect on the outcome of the dependent variable. Threats to internal validity include history, instability, selection, maturation, instrumentation, selection-maturation interaction, testing effects, experimental mortality, and regression. The threats to internal (and external) validity are simply summarized in Chapter 14 of McGaw and Watson (1976).

the implementation of the unified family court (control group).⁴ This is a relatively practical design that controls for all of the threat to validity except history and experimental mortality.

Formative and summative evaluations attempt to answer different questions, so there is no inherent reason to prefer one to the other. In fact, researchers frequently combine both types within an overall evaluation of social programs. Moreover, these two kinds of evaluations are not always easily disentangled, as researchers draw evidence from both to address particular issues.

C. Evaluations of Family Court Programs

Colorado

In September 2000 Colorado created a unified family court pilot project in its 17th Judicial District, which encompasses Adams and Broomfield counties located to the north and east of the Denver metropolitan area (Commission on Families in the Colorado Courts. n.d.).

Table 2: Pilot Project in Colorado’s 17th District

| County | 2000 Population | Location | Major Town |
|------------|-----------------|------------------------|------------|
| Adams | 363,857 | North & East of Denver | Brighton |
| Broomfield | 38,272 | North of Denver | Broomfield |

The pilot project involved a true experimental design. Cases with dependency and neglect filings were randomly assigned to the new Family Court Division or traditional court processing. For the duration of the pilot project, each new dependency and neglect filing (the “trigger” or “stem case”) was researched by the Family Court Facilitator to determine if there were additional filings (“branch cases”) for any of the family members.⁵ Family was loosely defined to include all minor children, plus all adults regardless of relationship who were central to the dependency filing. Traditional control group cases received no special treatment and were handled by multiple judges according to the traditional policies and procedures.

⁴ By definition, control groups are created using random selection, comparison groups by some other, non-random means of selection.

⁵ The evaluation did not indicate how cases belonging to the same family are identified.

For families assigned to the Family Division, all cases⁶ were bundled together and handled by a single judge or magistrate. Once cases were bundled, the Family Court Facilitator organized a conference of all parties. The conference was intended to promote information sharing and early case planning. Two Multi-Disciplinary Review Teams (MDT) were created to review cases following the initial status conference. Each MDT was composed of approximately seven community volunteers, with diverse and relevant backgrounds such as pediatrics, education, family law, probation, therapy, or drug treatment. The MDTs reviewed the plans developed by case workers and offered recommendations about additional or different services that the family might need. The reports from these MDTs were distributed to all individuals in the case, as well as the court.

The evaluation was conducted during the first year of the pilot project, between September 2000 and August 2001, and included both formative and summative components. The evaluation focused on 27 cases (defined as a dependency filing and the cases bundled with it) processed by the Family Division between September 2000 and April 2001 and 28 cases handled by traditional courts over the same period. Data collection involved:

- Surveys of the 26 attorneys involved in the Family Division cases and 25 attorneys involved in the control group cases.⁷
- Thirty interviews were conducted with judicial officers, Family Court Facilitators, the guardian *ad litem* assigned to Family Division cases, members of the Multi-Disciplinary Review Teams, and representatives from social service agencies, District Attorney's Office, Public Defender's Office, Probation, and the private bar.
- The extraction of information from the court records for both the Family Division and control group cases. Information included family profiles (number and ages of children), characteristics of dependency and neglect cases, reasons for filing, parties named and their relationships to the dependent(s), number and types of companion cases, number of court hearings for all types of cases, length of time to disposition, court-ordered services, etc.

The results of the formative evaluation documented a broad consensus among judges, magistrates, attorneys who represented parents, the guardian *ad litem*, case workers, and attorneys for the Department of Social Services "that bundling cases and relying on one-family/one-judge creates a more informed bench, offers a better opportunity to respond to

⁶ The other types of court filings that might be bundled with the dependency proceedings included additional dependency filings; delinquency; truancy; adoptions; relinquishments; family-related misdemeanors; temporary and permanent restraining orders; DUI charges; mental health; and domestic relations. Other cases could be added at the discretion of the court, although felony cases were not included.

⁷ The survey instruments were not displayed in the evaluation report. In addition to the attorneys, family members and other professionals (social workers, therapists, etc.) were surveyed, but the small number of responses prevented the responses from being reported.

the needs of the case, and can have great benefits when the family's problems are severe or problems with compliance arise” (Commission on Families in the Colorado Courts, n.d., p. ii). The Family Court Division helped judges and magistrates look at a family and its cases holistically, increased awareness of the family’s needs, and led to the provision of better and more coordinated services, including more court-ordered counseling and mental health services.

The court professionals, however, believed some changes were needed. They felt there should be greater flexibility in deciding which cases to bundle. Some cases may not warrant bundling, such as non-habitual traffic violations with no drug or alcohol involvement, or an isolated, minor ordinance violence. There also may be benefits to be gained by including felonies because a felony resolution might be the key to making progress in a dependency filing. They also felt there should be greater flexibility in scheduling the initial status conference and the Multi-Disciplinary Team meetings, which too frequently tended to be held before necessary assessments and evaluations were completed. Finally, court professionals argued that judicial rotations into the Family Court should be lengthened to provide for greater experience and continuity.

The summative evaluation showed that the Family Court increased the number of matters dealt with per hearing, but did not reduce the total number of hearings per family. Moreover, Family Court and control cases moved through the legal system at a very similar pace. This may be caused by the state requirements for processing dependency cases, which apply equally to both unified family and traditional courts.

In cases with out-of-home placement, Family Court children had shorter placements than did control group children, an average of three months out-of-home versus six months. There is some evidence that the non-dependency cases seen by the Family Court moved more rapidly to resolution.

In summary, the Colorado evaluation used true experimental methods, despite the practical limitations described above. Although this is a powerful design that controls for all the threats to internal validity, it is weakened by the fact that the period of observation was relatively brief and only 27 experimental and 28 control cases being selected. As a consequence, the results of the evaluation, although generally consistent with the perceived benefits of family court unification, are preliminary at best.

Indiana

In 1999, the Indiana Supreme Court received funding from the Legislature to develop and implement three pilot family court projects. The Chief Justice appointed a Family Court Task Force to solicit and review applications for pilot family courts. Eight counties submitted applications. After reviewing the applications and interviewing planning teams from six counties, the Task Force recommended in January 2000 the selection of three counties (Kuhn, 2001; F. Hill, personal communication, September 25, 2002).⁸ The selected counties included:

Table 3: Pilot Projects in Indiana

| County | 2000 Population | Location | Major Town |
|---------|-----------------|--------------------------------|-------------|
| Johnson | 115,209 | Central, south of Indianapolis | Franklin |
| Monroe | 120,563 | South Central | Bloomington |
| Porter | 146,798 | Northwest, on Lake Michigan | Portage |

In Indiana, the trigger or stem case is a juvenile filing (child in need of services, delinquency, status, and paternity). By Supreme Court rule, if a juvenile case is before the unified family court, then the court may exercise jurisdiction over any and all other cases involving the same family. In Johnson County the Family Court Case Manager reviewed computerized court records to identify families with juvenile and others cases, then processed the paperwork to transfer the cases to family court. Despite these efforts, most families came to the project by referral from other judicial officers, attorneys, court clerks, prosecutors, the probation department, CASA volunteers, or family members themselves. Once the family court assumed jurisdiction over a family, the case manager scheduled all matters before the same judicial officer (one family, one judge coordination). The case manager also completed a family information form for each family, which serves as an elementary early case assessment tool. In turn, the family information form assisted the court to schedule significant case events and identify appropriate services.

The Monroe County pilot project included a marital court that assumed jurisdiction over complex dissolution matters to provide the monitoring and supervision such cases require. Complex cases were defined by criteria such as (1) one or both parties without legal representation, (2) a family history of low compliance with court orders or negotiated agreements, and (3) case issues that are inappropriate for, or have not been settled by, alternative dispute resolution services. It also included a one family, one judge court to process other multi-case families. A Family Identification Form developed by the project allowed judges, other court personnel, attorneys, agencies, and litigants to describe case characteristics. The Family Court Coordinator used the completed forms to identify and

⁸ Berkeley Miller interviewed Frances Hill, an attorney and former member of the law faculty at Indiana University School of Law, who was retained by the State Court Administrative Office to fulfill daily administrative and management responsibilities for the pilot project effort.

review pending cases, then submitted apparent complex cases to the marital court for review and acceptance, and cases belonging to families with other filings to the family court. Cases before the family court were actively managed by the coordinator, who assisted with case scheduling, service referrals, settlement conferences, and the monitoring of court orders.

Porter County developed a one family, one case manager coordination system. The pilot project court accepted families with multiple cases before the county courts so long as children were involved. Judicial officers, the Clerk's office, Office of Families and Children, Probation, District Attorney's Office, law enforcement, and CASA volunteers referred cases to the Family Court Coordinator. However, an attorney appearance form had to be filed to trigger the process. Once this form was received, the coordinator conducted a search of electronic databases to identify cases belonging to the family, and if the acceptance criteria were met, assigned the cases to a family court case manager. The case manager created a case management report that summarized relevant events and orders within the family. The case management reports were shared with all relevant courts and others needing the information. A monthly family court roster was kept for the entire county court that summarizes scheduled appearances for family court litigants. Finally, cases before the pilot court could be managed through a Services Coordination and Status Meeting. This meeting brought specialists from a variety of areas together to monitor court orders and suggest alternatives for families experiencing problems with compliance. "The approach provides for active, hands-on case management, increased use of alternative dispute resolution services and for litigant accountability, each of which lend themselves to expedited outcomes for families in court" (Kuhn, 2001, p. 29).

The evaluation attempted to assess the needs of Indiana's court system to more effectively process family and juvenile matters. The assessment involved a statewide survey of judges and attorneys with experience in family and juvenile matters and focus groups conducted with the wide range of practitioners involved in family and juvenile matters. It also involved an evaluation of how the pilot court projects were functioning over the first year of operation. This discussion will focus on the pilot court evaluation, which reviewed data collected by the courts and apparently involved observations and interviews in the pilot projects, although these were not described. No attempt was made to compare pilot project data with data for cases handled under traditional processing.

- Between inauguration of the pilot projects in early 2000 and May 2001, the pilot projects addressed 560 cases belonging to 159 families, for an average of 3.5 cases per family. This documents that many families who come to court have more than one case pending within the system.
- Most of the cases processed involved divorce, children in need of services, juvenile delinquency, and protective orders. This was consistent across pilot projects.

- The majority of cases were referred to the pilot projects by judicial officers, followed by protective services, attorneys, and the parties, themselves.
- The most commonly identified social factors associated with the cases were severe parental conflict (53% of families), substance abuse (38%), and domestic violence (36%).
- The average number of days to the first event after filing, and average days between events, varied across the pilot projects. The respective figures were 52 and 18 for Monroe County, 30 and 56 for Johnson County, and 27 and 34 for Porter County. These differences reflect the length of time the pilot projects were in operation and differences in resources.

The pilot project experienced a number of challenges, including inadequate staffing levels; the absence of user-friendly, automated case management, information and tracking systems; and limited alternative dispute resolution resources. Nevertheless, they also experienced some successes. Johnson County developed a Family Court Handbook that contained information about the pilot project, identified key players, and provided sample forms and a user satisfaction document. Johnson County provided attorneys to all *pro se* litigants who desired representation, which seemed to reduce delays and increase the success of settlement negotiations. Information collected in the party appearance (Porter) and family information (Johnson and Monroe) forms provided timely information that fostered efficient case management. The assignment of complex dissolution cases in Monroe County provided for more timely and effective provision of services and helped resolve cases that otherwise might have remained open for several more years. The simultaneous scheduling of multiple case matters before the same judge appeared to reduce the number of court appearances.

The Indiana evaluation was really aimed at assessing the state's needs and not at rigorously measuring outcomes for the pilot projects. But it highlights the issues faced by legal systems during the early stages of developing unified family courts.

Kentucky

In 1988, the Kentucky General Assembly established the Family Court Feasibility Task Force. The Task Force acknowledged the problems traditional courts face in handling multi-case families and recommended the establishment of pilot unified family court projects in urban and a rural settings (Brown, Kreitman, Mattingly, & Van Zyl, n.d.; C. Kreitman, personal communication, October 1, 2002).⁹ Kentucky's Supreme Court then established the Family Court Pilot Project. Urban Jefferson County was selected as the first pilot project in 1991. This county volunteered for the project because it had several judges who embraced the unified family court concept. During the 1990s, other counties expressed an interest to

⁹ Berkeley Miller received an email from Carla Kreitman describing the selection process and criteria. Kreitman is the manager of Kentucky's Department of Family Courts, Administrative Office of the Courts.

both their legislators and the Supreme Court in replicating some of the successes of the Jefferson model. The National Center for State Courts conducted a feasibility study that recommended six additional projects, one in each of the Supreme Court circuits and in diverse suburban and rural geographic areas. The Legislature actually funded nine.¹⁰ Three began operation in 1998, six more in 1999 (Brown, Kreitman, Mattingly, & Van Zyl, n.d.). Since then, more pilot projects have been added, so today there are 14 pilot projects encompassing 26 counties. The pilot project courts are summarized in Table 4.

The available evaluations provide few specific details on the organization or operation of any of the pilot projects. The jurisdiction of the courts encompasses most family-related matters, including dissolution of marriage, child custody, support and visitation, spousal support and equitable distribution, adoption and termination of parental rights, domestic violence including emergency orders, status offenses, truancy, and beyond control, and dependency, neglect and abuse.¹¹ The stated method of coordinating cases in all counties is one family, one judge. Based on the experience of the first pilot project in Jefferson County, it was determined that additional administrative support was necessary if the pilot projects are to meet the needs of both the judiciary and litigants. Each pilot project is headed by a chief judge, who is supported by a Family Court Administrator who organizes and manages all non-judicial affairs. The administrator assists in case flow management while acting as a general liaison between court officials, the public, and community agencies.

There are other members of Kentucky's Family Court staff. Family Court Support Workers generally possess a bachelor's or master's degree in social work accompanied by related experience in the justice system. Support workers serve as case managers, mediators, and file researchers, and provide a link between social service providers and litigants. Because of the increased need for coordination between cases, each judge is assigned one or more bench clerks depending upon the caseload. Judges are also allotted a law clerk/staff attorney and a judicial secretary. The law clerk assists with legal research and writing draft orders. Finally, the Chief Judge of the Family Court heads the Family Court Council in each county or district. The Council is a multi-disciplinary body that is responsible for drafting and recommending local rule of practice, defining goals for the court, and developing solutions to challenges facing the new system.

¹⁰ Population growth in some counties increased caseloads and the need for additional judgeships.

¹¹ See the www.kycourts.net/AOC/FamilyCourt/AOC_FamilyCourt.shtm.

| Table 4: Pilot Projects in Kentucky | | | |
|--|-----------------|---|---------------|
| County | 2000 Population | Location | Major Town |
| Boone, Gallatin | 93,861 | Northeast on Ohio River, metro Cincinnati | Florence |
| Christian | 72,265 | Southwest on Tennessee border | Hopkinsville |
| Clark, Madison | 104,016 | East central hills, metro Lexington | Richmond |
| Clay, Jackson, Leslie | 50,452 | Southeast hills | Manchester |
| Floyd, Knott, Magoffin | 42,441 | Eastern coal fields | Prestonsburg |
| Franklin | 47,687 | North central hills | Frankfort |
| Henderson | 44,829 | West on Ohio River | |
| Jefferson | 693,604 | North central on Ohio River | Louisville |
| Lincoln, Pulaski, Rockcastle | 96,160 | Southeast hills | Somerset |
| McCracken | 65,514 | Far west on Ohio River | Paducah |
| Oldham, Henry, Trimble | 69,363 | North central on Ohio River, just east of Jefferson | Lagrange |
| Pike | 68,736 | Far eastern coal fields | Pikeville |
| Union, Webster, Crittenden | 39,141 | West on Ohio River | Marion |
| Warren | 92,522 | Southwest coal fields | Bowling Green |

The first Kentucky evaluation measured participant satisfaction with the Jefferson County Family Court as the court concluded its second year of operation in 1993 (Family Court Development Project, n.d.). This was accomplished by surveying attorneys and litigants with experience of the Family Court. A majority of the attorneys surveyed believed that family legal issues should be adjudicated before a single court serving the needs of families, the Jefferson Court is an improvement for families, and that this improvement comes in part from the court's linkage to social services and mediation services. Attorneys also agreed that dissolution cases were scheduled more rapidly. Litigants also held generally positive opinions on the Family Court. A majority felt that the court ordered services helped solve their legal problems, the adjudication process had a good effect on their children, the court's rulings met family needs, and that the judge treated them respectfully.

The second Kentucky evaluation looked at five rural family courts. The report "included elements of a research and evaluation project, plus a training and education project" (Brown, Kreitman, Mattingly, & Van Zyl, n.d., p. 3). The evaluation component of this report was largely formative. The research focused on pilot projects initiated in 1998 (Pike and Warren) and 1999 (Floyd, MaCracken, and a multi-county court including Pulaski,

Lincoln, and Rockcastle counties). The research methods included observations on site, individual interviews, focus groups, and file reviews of five cases in each pilot project. The interviews and focus groups included the full range of professionals involved in family courts, judges, court staff, social workers, community leaders, etc. The focus groups were conducted in the period shortly before the pilot projects were implemented, then six months after implementation. The formative evaluation especially relied on the results of the six-months focus groups. Somewhat surprisingly, the results of the case file reviews were not reported.

The key findings included:

- Judicial leadership is very important for setting expectations and establishing an effective organization with clear professional roles, a coherent plan of action, and a well-defined division of labor.
- Teamwork is especially critical, and it can be enhanced by cross-training.
- Members of the court's staff need to establish and nurture alliances with social service agencies and other community institutions to become a fully functioning family court.
- The Family Court Councils, with diverse representatives drawn from the community, are especially valuable for establishing alliances and enhancing family court operations.
- The family court needs to educate litigants and help clarify judicial decisions and orders, so litigants can better understand the process, meet deadlines, and comply with orders. In fact, education needs to extend to all so as to enhance partnerships with social service and community collaboration.
- Implementing a new family court impacts the existing courts. Transition issues must be addressed to ensure a seamless conversion. Close coordination between the clerk's office and the new court is especially important.
- Because family courts encompass both a judicial and therapeutic role the volume of work is much greater than that in a traditional court. The family court model creates time intensive demands upon court staff and community-based institutions. To manage these new demands, family courts require additional personnel to administer cases and coordinate services. Even with additional resources, court staff may still experience stress and burnout.
- Other obstacles include attorneys wedded to the adversarial process and traditional case-processing, lack of training for court staff, inadequate or poorly designed court facilities, insufficient social services in the community, transportation problems, and turnover of court and social service staff.

The Kentucky evaluations, especially the one focusing on rural courts, provide rich details on the process of implementing unified family courts. But they do not incorporate quasi-experimental designs that permit an assessment of outcomes for cases occurring before and after implementation.

New Hampshire

In May 1995, the New Hampshire legislature passed a bill creating unified family court pilot projects in Grafton and Rockingham counties (see Table 5; Solomon 1997). Prior to passage of the bill, the Superior Court had jurisdiction over marital cases, District Courts handled juvenile matters, while Probate Court heard cases involving adoptions, termination of parental rights, and probate matters. In the two pilot project counties, these matters were all encompassed within the jurisdiction of the unified family courts.

Table 5: Pilot Projects in New Hampshire

| County | 2000 Population | Location | Major Town |
|------------|-----------------|-------------------------------|------------|
| Grafton | 81,743 | Northwest, bordering Vermont | Franconia |
| Rockingham | 277,359 | Southeast on Atlantic Coastal | Portsmouth |

The goal of the pilot projects was to identify and bundle all family and juvenile cases belonging to the same family, and have these case heard by a single judge (one family, one judge) (Office of the Budget Assistant, 2000). Both pilot projects were overseen by an Administrative Council consisting of a representative from the Supreme Court, the Chief Judge of the Superior Court, Administrative judges from the District and Probate courts, and the Director of the Administrative Office of the Courts (AOC). The Family Division Pilot Project (FDPP) Administrator and two supervisory judges, one from each county, ran day-to-day operations. The supervisory judges and administrator developed for both pilot project rules, policies, training and forms; they also selected judges, marital masters, and court staff.

The pilot project teams in each county included a supervisor judge, other judges and marital masters, a coordinator, case managers, and other court personnel (court clerks, court assistants, security personnel, etc.). The FDPP coordinators were responsible for overseeing the processing of cases, monitoring the customer services provided by staff, and providing technical assistance. They might also be responsible for recruiting, hiring, and daily supervisor of court support staff, and providing recommendations and implementation procedures to improve pilot court operations. The FDPP cases managers were responsible for providing information to *pro se* litigants, ensuring cases were processed in a timely, efficient manner, and assisting judges and masters to prepare litigants for hearings. The Grafton pilot project had hearing officers and court staff in four locations (Haverhill, Lebanon, Littleton, and Plymouth), as did the Rockingham project (Brentwood, Derry, Portsmouth, and Salem).

The evaluation covered the first year of pilot project operations (March 1996 to May 1997). Data collection procedures were explicitly developed to address the pilot projects' goals, which were to (see Solomon, 1997, p. 4):

1. Assure equal attention and priority for family law cases to achieve prompt and fair resolution of all cases files.
2. Assure equal attention and priority for family law cases to achieve prompt and fair resolution of all cases files.
3. Minimize the adversarial nature of divorce by emphasizing dispute resolution alternatives such as mediation.
4. Make the courts more geographically accessible for litigants and families.
5. Make the court process easier for litigants, especially pro se litigants, to understand.
6. Assign all cases involving the same family to the same judge and/or master.
7. Staff the Family Division with judges and masters specially selected and trained to deal with family issues.

Solomon (1997, p. 5) recognized that “not all goals are susceptible to strictly objective measures either because there are no associated standards against which to measure or because the degree of achievement is a matter of subjective perception.”

Three data collection procedures were used. The AOC produced from its automated case management system data showing the percentage of marital and juvenile filings disposed between July 1, 1996 and June 20, 1997 in the pilot projects (test data), and over the same period one year earlier for the marital and juvenile filings in the superior and district courts (pretest or control data). User questionnaires were administered by court staff to litigants and others at each family division location beginning in late 1996, resulting in 230 completed surveys. Justice system questionnaires were mailed to lawyers, law enforcement representatives, public defenders, social workers, guardians *ad litem*, support enforcement officers and juvenile services officers. A total of 321 completed questionnaires were returned. Finally, telephone and in-person interviews were conducted with judges, masters, coordinators, and court staff from the different court divisions (Superior, District, Probate, and Family).

The results were presented for each of the six goals. Regarding prompt and fair resolution of cases (Goal 1), statistics indicated that the time to disposition did not meet the standards established by the pilot project for marital cases or the statutory requirements for juvenile cases. However, comparisons of family division cases with superior and district court cases filed one year before showed substantially earlier dispositions for the family division (see

Table 6). In addition, 77% of respondents to the justice system questionnaires said that “prompt” disposition is being achieved in all or most of family division cases.

| Table 6 | | | |
|--|-------------------------------------|---------------------|-------------------------------------|
| Percent of Disposed of by the Following June 30 | | | |
| 1995 Filings (Pretest) | | 1996 Filings (Test) | |
| Marital Filings | | | |
| Month Filed | Percent Disposed of by Next June 30 | Month Filed | Percent Disposed of by Next June 30 |
| July | 77% | July | 83% |
| August | 73% | August | 86% |
| September | 59% | September | 81% |
| October | 62% | October | 75% |
| November | 55% | November | 77% |
| December | 56% | December | 64% |
| Six-Month Total | 64% | Six-Month Total | 78% |
| Juvenile Filings | | | |
| July | 88% | July | 97% |
| August | 77% | August | 93% |
| September | 79% | September | 92% |
| October | 81% | October | 91% |
| November | 85% | November | 94% |
| December | 83% | December | 89% |
| Six-Month Total | 82% | Six-Month Total | 93% |
| Source: Solomon, 1997, p.14 | | | |

Only 20% of litigants and lawyers indicated they used alternative dispute resolution (Goal 2), but there was general agreement that more effort should be devoted in this area. A very substantial percentage of litigants (97%) and lawyers and other professionals (67%) indicated that the locations of courts were convenient to them (Goal 3). Litigants gave the family division very high marks for making the process easy to understand and use (Goal 4). They also indicated high levels of satisfaction with their treatment by judges and court staff. The pilot project sought to assign all cases from the same family to one judge (Goal 5). Case disposition data document that this result was achieved 90% of the time. Finally, about half of the respondents to the judicial system questionnaire reported that family division judges and magistrates were specially trained in family matters (Goal 6). A number of interviewees, including judges, indicated that additional training should be a priority.

This evaluation included both formative and summative elements and was clearly focused on collecting data to relevant to the pilot project’s stated goals and relatively efficient. Objective, quantitative data, available in electronic form, were used to measure dispositions times before and after pilot project implementation. Subjective data gathered through

interviews and surveys were used to gauge how the new family division was perceived as compared to the traditional courts.

A second evaluation of the New Hampshire pilot project was undertaken by the state's Office of the Legislative Budget Assistant between January and June 1999 (Office of the Budget Assistant, 2000). This evaluation administered the same user surveys to litigants involved with the Family Division pilot projects in Grafton and Rockingham counties (test projects), and the Superior and District Courts located in Chester and Hillsborough counties (comparison courts). The similar judicial system survey also was sent to professionals involved with pilot project courts. Generally, the findings for the 1999 evaluation were similar to those for the 1997 evaluation.

Ohio

In June 1999, the Ohio Supreme Court and Department of Job and Family Services funded four family court pilot initiatives. The National Center for Juvenile Justice (NCJJ) was selected to assist with the selection and evaluation of the pilot projects (Hurst & Halemba, 2002; Hurst, Halemba, Torbet, Poe-Yamagata, Szymanski, Gable, McClelland, & Thomas, 1997). The NJCC conducted site visits with the eight courts that responded to the request for proposals and provided the Family Court Subcommittee a summary of the strengths and weaknesses of the respective proposals. The subcommittee then selected four courts, as summarized in Table 6.

Table 7: Pilot Projects in Ohio

| County | 2000 Population | Location | Major Town |
|----------|-----------------|--------------------------------|------------------------|
| Clermont | 177,977 | Southwest, suburban Cincinnati | Batavia |
| Fayette | 28,433 | South central, below Columbus | Washington Court House |
| Lorain | 284,664 | North central, on Lake Erie | Lorain |
| Mercer | 40,924 | West central, on border | Celina |

The four pilot courts were supported by 18-month grants beginning in June 1999 and ending in December 2000. Some of the counties were delayed in getting started, but sufficient funding remained to extend the pilots and evaluation another six months to June 2001.

Each of the counties had different goals for the pilot projects; none intended to fully establish a separate unified family court. Fayette County is a rural community in Southwestern Ohio. It had a Common Pleas Court with two divisions. The General/Domestic Relations division had one full-time judge to handle all criminal cases and most civil cases, and a magistrate to process domestic relations actions. The Probate/Juvenile division had a full-time judge to handle all traditional probate and juvenile matters, including parentage and custody issues of unmarried parents. In addition, there was a Municipal Court headed by a full-time judge to conduct preliminary hearings in felony cases and process misdemeanors and limited civil actions. Under the pilot project, Fayette

County identified an intake officer, who began intake screening for most new Probate/Juvenile cases with children to identify prior or concurrent cases involving family members. A report summarizing the multi-family cases was given to the judge hearing the new filing. The judges and magistrate could then agree to consolidate cases across court divisions if it seemed in the best interest of the family members, especially the children. Presumably case consolidation resulted in one family, one judge coordination. In addition to new intake procedures, Fayette County sought to link the information systems of the three courts, better coordinate family services, and expand the availability of mediation and diversion services in juvenile cases.

Lorain County, on the shores of Lake Erie, has an urban core surrounded by suburban and rural areas. Its Court of Common Pleas included a General Division that heard criminal felony cases and larger civil cases, a Domestic Relations and Juvenile Branch that heard family and juvenile matters, and a Probate court that heard probate matters, including the guardianships of minors and adoptions. Under the Pilot project, the number of judges and magistrates in the Domestic Relations Division was increased from six to nine. Planning began for integrating case management systems and eventually merging the Domestic Relations, Juvenile, and Probate courts to create a true unified family court. Lorain County also planned to expand and improve resources for the Family Division (mediation, services for *pro se* litigants, supervised visitation, parent education), revise local rules to support better case management, and develop programs to increase public access to the courts.

The court in rural Mercer County in far western Ohio included a General/Domestic Relations Division and Probate/Juvenile Division. In partnership, the two divisions proposed to share a magistrate for family law cases (divorce, juvenile custody, visitation, and paternity matters), and expand services available to families (mediation, custody investigation, supervised visitation, family assessments, and family counseling).

In suburban Clermont County, the Domestic Relations and Probate/Juvenile divisions of the Common Pleas Court planned to improve the respective courts' automated case management systems to share information, integrate reception and *pro se* services through a shared magistrate, expand mediation in family cases, and enhance the capability to conduct custody investigations.

The evaluation spanned nearly three years, from February 1999 through August 2001. The startup phase in the first year involved technical assistance to the counties and efforts directed toward developing research methods for measuring the prevalence of related family cases across the pilot projects. The assessment phase involved collecting data from court records on the number and types of domestic relations, juvenile, probate, criminal domestic violence cases handled by the pilot courts over the preceding five years. It also involved searching a selection of family case records to determine the frequency with which families coming to court on a family matter have prior involvement with that county's legal system. The assessment phase also involved structured interviews in each of the four counties to evaluate the performance of programs and procedures. Those interviewed included judges,

magistrates, law clerks, bailiffs, clerks and staff from the service departments of the courts, representatives from social service agencies, and family law attorneys. Finally, the assessment included satisfaction surveys of litigants that had participated in mediation services. The evaluation did not attempt to measure outcomes before and after project implementation. It might generally be characterized formative.

The evaluation reviewed case records on a total of 1,654 family cases across the four counties, which led to the identification of approximately 6,000 core family members and the over 13,000 individual related court case records. Overall, 52% of family cases were involved in prior cases over the preceding five years within the respective counties, including 75% of civil protections from abuse cases, 68% of dependency cases, 67% of criminal domestic violence cases, 57% of juvenile custody cases, 42% of divorce with children cases, 38% of delinquency cases, and 31% of divorce without children cases. Within these four counties, the percentages of family cases linked to prior cases were substantial.

All four of the pilot projects attempted to expand alternative dispute resolution services, especially mediation. A total of 659 client satisfaction surveys were administered to those who used mediation services; 393 were completed for a response rate of 60%. Overall, 90% reported satisfaction with the mediation process. Large majorities considered the process to be fair and useful for enhancing communication. Ninety percent made progress toward settlement; 48% reached full agreement.

Fayette County became the first Ohio County to systematically screen at intake for related family cases across all court divisions and increased referrals to mediation by 43% during the project. The intake officer position helped overcome barriers to coordination. A new family services coordinator improved the working relationships between the Probate/Juvenile court and social service agencies and local schools, guardian *ad litem* and custody investigation services, and tracking of court order actions. Lorain County initiated a public discussion about the merging of courts to create a true unified family court, started a comprehensive overhaul of local Juvenile and Domestic Relations rules to create a consolidated set of family court rules, initiated front-loaded case processing for divorce cases that significantly shorted average case closure times, developed parenting seminars for unmarried parents, and expanded mediation services. The county's goal of creating a unified family court stalled due to the cost of automated case management software that would identify multi-case families and the lack of support from probate judges.

Mercer County's family court magistrate helped coordinate the handling of divorce, custody and parentage cases, and increased the services provided to families in divorce cases from 14% of families in 1998 to 43% during the grant period. The county struggled to supplant the funding for these services once the family court grant ended.

The Domestic Relations and Probate/Juvenile divisions in Clermont County planned to share a magistrate in the custody area and fully automate the collection of information

concerning related family cases. Unfortunately, the partnership between the two courts weakened at least partially due to staff changes in one of the courts. The county government also delayed approving a grant to cover additional staff needed by the project. The automated information system enhancements were never initiated.

The Ohio evaluation was largely descriptive of the process of implementing the four pilot projects. It provides rich data on the formative process in the four counties, but does not provide rigorous evidence derived from a quasi-experimental design to assess outcomes.

Oregon

The Oregon legislature provided enabling legislation in 1993 to establish family courts. Deschutes County initiated a unified family court in May 1994; Jackson County sometime thereafter.

Table 8: Pilot Projects in Oregon

| County | 2000 Population | Location | Major Town |
|-----------|-----------------|-----------------------------|------------|
| Deschutes | 115,387 | Center of state | Bend |
| Jackson | 181,268 | South, bordering California | Medford |

Both counties adopted a family court model that assigned one family to one judge. In Deschutes County, the family court hears cases involving juvenile delinquency and dependency, dissolution of marriage, paternity, mental competency, guardianship, criminal and domestic violence. When a delinquency or abuse and neglect filing occurs, the Family Court Coordinator searches local and statewide databases for currently active family cases, connects families, and assigns them to the same judge. Cases can also be referred to the court by justice system or school officials, or even relatives or neighbors. The judge determines whether to accept a family to Family Court. Families assigned to Family Court have their cases reviewed by the Family Advocate Screening Team (FAST) to determine whether they would benefit from a multidisciplinary treatment program. Those that are assigned to a treatment program benefit from a comprehensive treatment plan, which is filed with the Family Court and monitored for compliance. The Family Court employs a full-time Family Court Advocate that helps coordinate the treatment plan.¹²

In Jackson County, the Family Court Coordinator only bundles cases that involve families with children. Bundled cases are reviewed by a judge having the most involvement with the family to determine whether they should be assigned to family court. If the cases are assigned to family court, the coordinator meets with the family and other interested parties, such as the children's schools and legal counsel, to determine if the family might benefit from a comprehensive plan that provides coordinated social and support services. If a family

¹² More information about the Deschutes County Family Court Program can be found on the Internet at <http://www.deschutescircuitcourt.org/Programs/Family/family.html>.

agrees, a coordinated plan that focuses on their strengths is developed and filed with the court for monitoring and compliance.

The Oregon legislature mandated that the pilot projects be evaluated. Tiktin & Mazorol (1997) report on the Deschutes County's in-house evaluation. There are no published evaluations for Jackson County. The Deschutes County evaluation appears to be summative, covering the eleven-month period from February 1 to December 24, 1996. Twenty-four telephone interviews were conducted with attorneys, schools officials, and social workers. Eighty-seven questionnaires were mailed to team members, families, legal counsel, and judges. Although the survey instrument was not reported, some idea of the questions that were asked is provided by the Satisfaction Ratings in Table 9.

| Table 9: Satisfaction Ratings in Deschutes County | |
|--|---|
| 10=highest level of satisfaction 1=lowest level of satisfaction | |
| 8.19 | Program benefits families |
| 8.13 | Program benefits agencies |
| 7.83 | Court/agency communication has improved |
| 7.80 | Court has improved agency coordination |
| 7.77 | Court designs services to fit individual families |
| 7.72 | Agency coordination has improved resource sharing |
| 7.34 | Innovative solutions are being created for families |
| 7.00 | Time/services were efficiently used |
| 5.64 | Case move quicker because of family court |
| Source: Tiktin & Mazorol, (1997), p. 347 | |

Over the course of the eleven months, 32 families in Deschutes County were reviewed by the screening team; 19 were assigned to the family court. Based on reviews of the case files, fourteen of the 19 families assigned to a treatment program were judged to be successful, meaning they had completed the treatment program or were still in the program.

Overall, Tiktin and Mazorol conclude that family court coordination had positive affects on court processes and personnel, and the families and the agencies that served them. In general they found that agency coordination improved, that earlier preventive interventions could occur, and that better results were achieved because judges and services agencies, including schools, had a better big-picture view that allowed everyone to put the pieces together more effectively. They also state that the legislature should make the family advocate an integral part of the family court system while reminding policy makers that families' needs for services outstrips agencies abilities to innovate and coordinate. Additional resources are necessary to carry the program forward. While the results of the evaluation are encouraging, the research design (post-test one group) did not include a

comparison or control group. As a consequence, it does not control for even one internal validity factor.

Virginia

In 1989 the Virginia legislature directed the Judicial Council to establish an experimental family court program (Judicial Council of Virginia, 1993). Traditionally, juvenile and domestic relations district courts heard juvenile and family-related cases, while circuit courts heard suits involving the dissolution of marriage. The legislation enabled the pilot project family courts to hear all of these types of cases, and required the circuit courts to refer 20% to 50% of their marriage cases to the pilot projects. Judges were to be drawn from both the circuit and district courts. Finally, pilot projects were required to be located in both urban and rural counties.

Table 10: Pilot Projects in Virginia

| City or County | 2000 Population | Location | Major Town |
|--|-----------------|---|-----------------|
| Urban Juvenile Courts | | | |
| Alexandria* | 128,283 | Metro Washington, DC | Alexandria |
| Fairfax [†] | 969,749 | Metro Washington, DC | Fairfax |
| Chesapeake* | 199,184 | | Chesapeake |
| Urban Circuit Courts | | | |
| Roanoke* | 94,911 | West central, in Blue Ridge Mountains | Roanoke |
| Roanoke [†] | 84,778 | West central, in Blue Ridge Mountains | Roanoke |
| Rural Juvenile Courts | | | |
| Lynchburg* | 65,269 | Central state | Lynchburg |
| Loudoun [†] | 169,599 | North, suburban Washington, DC | Leesburg |
| Albemarle [†] | 79,236 | Central state | Charlottesville |
| Rural Circuit Courts | | | |
| Mecklenburg [†] | 32,380 | South central, bordering North Carolina | Boydton |
| Smyth [†] | 33,081 | Southwest | Marion |
| * Denotes Independent Cities [†] Denotes Counties | | | |

Cities and counties volunteered to be included in the pilot project via letters sent by judges to the Family Court Advisory Committee. In a few cases, requests to participate were withdrawn when it was determined that there would be no additional staff or funds to support the pilot effects. Cities and counties were selected to meet the urban/rural and district/circuit court criteria. While the enabling legislation required only four pilot courts, it was decided to include all eligible volunteer localities to allow for a broader-based evaluation of the pilot project. Table 10 shows the pilot projects, which began operating on January 1, 1990 and ceased to accept new family cases as of December 31, 1991.

The evaluation, which was conducted by the Family Court Advisory Committee to assess outcomes across the pilot projects, does not provide a detailed description on the organization and operation of the family courts. It appears the goal was a one family, one judge method of coordinating multi-family cases. As stated above, the circuit courts referred some percentage of their divorce cases to the family court. Upon receipt of a divorce case, the family court clerk’s office would identify related cases from the juvenile court and then bundle the cases for the family court.

In pilot projects, a few judges from the district and circuit courts were selected to serve as family court judges and heard “bundled” cases involving custody, visitation, support, termination of parental rights, divorce and other family-related cases. The other, non-family court judges continued to process cases in the traditional manner, with district court judges handling juvenile and other family-related cases and circuit court judges hearing marriage and divorce cases. The largely summative evaluation design involved a sophisticated comparison between pilot project family court outcomes and outcomes for cases processed under traditional practices in control courts, which included courts from the pilot projects and two other jurisdictions (see Table 11).

Table 11: Research Design for Virginia Evaluation

| Pilot Project Family Courts | | Control Courts | |
|-------------------------------------|--------------------------------|--------------------------------|--|
| Juvenile Ct. Judges | Circuit Ct. Judges | Juvenile Ct. Judges | Circuit Ct. Judges |
| Urban | | | |
| Alexandria Fairfax Chesapeake | Roanoke City Roanoke County | Roanoke City Roanoke County | Arlington Alexandria Fairfax Chesapeake Roanoke City Roanoke County |
| Rural | | | |
| Lynchburg Loudoun Albemarle | Mecklenburg Smyth | Mecklenburg Smyth | Pulaski Lynchburg Loudoun Albemarle Mecklenburg Smyth |

Data collection involved several research activities. A data sheet was developed to collect information on types of cases, numbers and types of related cases, number and age of children, litigant characteristics, and representation by counsel. The data sheets were developed before project implementation and were put into use with the inception of the pilot project on January 1, 1990. Court clerks completed a data sheet on every case before the family, district, and circuit courts in both pilot project and control jurisdictions. Altogether, 35,798 sheets were collected during the project.

Surveys were administered to litigants, lawyers, judges, court clerks, and juvenile court service unit directors. The litigant surveys were designed to collect demographic information about the litigants; to assess their satisfaction with the legal process, judges and court personnel; and to gauge the psychological impact of the court process on their families. Litigants were identified through the data sheets and sampled for each of the cases types in accordance with their overall frequency in the total sample. Nearly 9,000 litigant surveys were mailed during 1991, with a response rate of 33%. The other project participants were given surveys intended to determine whether the pilot project had improved or solved problems in the traditional system and whether the pilot courts had been administratively efficient. About 1,000 lawyers identified through the data sheets were mailed questionnaires; 50% returned completed surveys. All 60 of the family and control court judges, 22 circuit and family court clerks, and 10 juvenile court service unit directors were given the opportunity to complete the survey.

Interviews were conducted with the 18 full-time family court judges to permit an in-depth discussion of the merits of the family court and its implementation in the pilot courts. In addition, to assess the extent to which families involved in divorce were also involved in other disputes before the juvenile court, 802 finalized divorce cases were reviewed to identify related cases of custody, visitation, support, child in need of supervision/support, delinquency, spousal abuse, adult or juvenile intra-family criminal offenses and child abuse or neglect.

The results of this evaluation are too detailed to fully summarize here. Some of the important findings include:

- The large majority of court cases heard by both pilot project and control courts involved custody, child support matters, and divorce matters. Conservatively estimated, 20% of divorce cases are associated with other court actions; the significant majority (72%) of these associated cases involve custody, child support, and adult intra-family criminal offenses. Divorcing couples with children are nearly five times more likely to be in court on a related case than those without children. The majority of children involved in related cases are very young, between 0 and 12 years of age.
- The median processing time of divorce cases for both pilot and control courts was about the same, except for those urban control circuit courts where commissioners in chancery were widely used. Cases handled by commissioners took twice as long as those where commissioners were not used. Litigants, lawyers, and judges found the timeliness of divorce case processing to be more satisfactory than in the circuit courts.

- Litigants in the family courts consistently rated their court experiences more positively on questions reflecting their satisfaction with the court process (user friendliness, timeliness, etc.), their case results, their assessment of the quality of justice which they were afforded, and on the psychological impact of the proceeding on themselves and their families.
- The family courts, especially as operated by juvenile court judges, performed more satisfactorily and earned greater respect and confidence than the courts that traditionally adjudicate family law matters, according to project participants.

The Virginia evaluation used a sophisticated quasi-experimental design, used multiple research methods to collect both objective, quantitative data on litigants, cases types and outcomes, and subjective survey data from litigants, lawyers, judges, court clerks, and juvenile court service unit directors on how they experienced the operation of the pilot and control courts. The evaluation spanned two years and involved the collection of substantial numbers of data sheets, surveys, etc. As a consequence, the evaluation is certainly one of the most rigorous to date.

D. Evaluations of Child Abuse and Neglect Cases or Dependency Cases

Arizona

The most detailed evaluation of a model court processing child dependency cases was conducted by Siegel, Halemba, Gunn, & Zawacki (2002) in Arizona. The Arizona legislature passed reform legislation starting in 1997 that accelerated timelines for adjudication and permanency. The reforms dramatically altered the role of juvenile courts in dependency matters by expediting initial dependency hearings, reducing mandated timelines for dependency filings, specifying frames for court-ordered permanent plans, and placing greater emphasis on prompt delivery of services for dependent children and their families. As a result, cases are monitored more closely, more frequent hearings are held, and more information is provided to the court (in the form of case plans and progress reports. To assess the effects of these changes, the researchers conducted both formative and summative evaluations.

The summative evaluation involved a statewide survey of stakeholders, including judges, juvenile court commissioners, assistant attorneys general, private attorneys, social welfare employees, court administrators, foster parents, and the like. The survey, which is included in the report, asked detailed questions about the processing of dependency cases before and after implementation. The summative analysis also involved the selection of all dependency petitions filed in two small counties (Cochise and Coconino) in 1996 (pre-reform) and 1999 (post-reform). It also involved a random selection of dependency petitions in the two most populous counties (Maricopa and Pima) in 1999, and a matched pair sample of petitions filed in these counties in 1996. Altogether, 311 files were selected for 1996 and 318 for

1999. Information was coded from these files for a variety of case processing and case outcomes measures, including:

- *Characteristics of cases filed in 1996 and 1999* on a number of dimensions including case demographics, petition allegations, service needs of children, presenting problems of parents, as well as the delinquency/incorrigibility histories of children eight years of age and older;
- *Timeliness of attorney appointments* for parents and children, as well as assignments of Court-Appointed Special Advocates (CASA volunteers);
- *Timeliness of early court proceedings* – that is, days to completion of the first hearing on a case as well as completion of petition adjudication and disposition;
- *Specificity of court orders* including the types of orders made and the amount of detail contained in them;
- *Timeliness of review and permanency hearings* – that is, days to completion of the first review hearing and the first permanency hearing on a case (including initial permanency hearings);
- *Permanency decisions* including the types and timing of these determinations;
- *Initiation and completion of termination of parental rights (TPR) and guardianship hearings*;
- *Case outcomes* including time and reasons for case closure, placement at case closure and, to the extent possible, case reactivations; and
- *Differences in placement patterns* – specifically, the amount of time spent in out-of-home placements for closed cases.

The formative evaluation was based on personal interviews with stakeholders in the four study counties.

Overall, the results of the analyses strongly indicate that juvenile courts in Arizona are processing dependency cases in a more timely manner; that children are spending considerably less time in out-of-home placements; that courts are becoming more specific in the orders generated at dependency hearings (particularly initial hearings) and that the state and federal governments have realized sizeable savings in placement costs. These savings probably more than offset any increased costs associated with Model Court implementation, including earlier appointment of counsel and the front-loading of services.

This is a rigorous evaluation using random and matched-pair selection of a substantial number of cases that were followed for 16 to 24 months. Although it can be argued that the quasi-experimental design (as mentioned above) does not control well for history and experimental mortality, these shortcomings are offset by the size of the sample and the richness of outcome measures.

Philadelphia

Hurst and Halemba (2000) completed an evaluation of a child dependency program in Philadelphia. The court dependency coordinator assigns a counsel and a child advocate when a dependency case is filed. A facilitator/mediator assists the parents, attorneys, social service providers, and others reach agreement on child placement, visitation, and required services. The court then monitors and enforces the agreement. The evaluation included interviews and field observations, plus data gathered from an automated system on filings, hearing results, petition disposition, and case closures. In addition, 289 court files on dependency cases filed between December 1, 1998 and March 31, 1999 were randomly selected for review. These files included 145 files assigned to the Model Court and 144 files assigned to traditional courts.

The interviews, field observations, and the analysis of comparative case processing data indicate that the Philadelphia Model Court had considerable success in improving the timeliness and quality of judicial proceedings in dependency cases. The Model Court was able to make dispositional decisions on petition allegations quicker than the traditional court. Court orders stemming from Model Court hearings were also considerably more detailed and specific regarding placement, visitation, and services. While there appeared to be little difference in the case closure rates between the two types of courts, the trend indicated that the Model Court's closure rate was increasing over time.

Although the evaluation period was a relatively short 18 months, this post-test control group design is an efficient and powerful approach that seemingly controls for each of the factors of internal validity. There might be some concern with selection bias, however, if families assigned to the Model Court are systematically different from families assigned to traditional court.

Wisconsin

Martin & Weller (2001) evaluated the processing of child abuse and neglect cases (CHIPS) in the unified family courts located in Wisconsin's La Crosse and Madison counties. In the two counties, the unified family court judges determine at the first court appearance on a CHIPS case whether the case is appropriate to send to a mediated child protection conference. If such a conference is appropriate, a guardian *ad litem* schedules the mediation, and ensures that all parties attend. If an agreement is reached, a single judge handles all the related cases for a family and monitors the agreement.

The evaluation was both formative and summative. The formative part involved personal interviews with justice system practitioners and feedback from parents participating in the mediations. The report does not provide information on the interview protocols. Feedback from parents was obtained by mailing a stamped response card asking five questions: (1) if parents understood what was happening during the conference, (2) whether the mediator and lawyers explained things and answered parents' questions, (3) if parents felt the things they had to say were seriously considered in the conference, (4) whether an agreement was reached, and (5) whether parents felt the conference was fair. Only a small number of participants returned the completed card, but the comments they made were very positive.

The summative component involved a comparison, based on case records, of 37 mediations and a "matched group of cases" that terminated in 1997, the year before the mediation program began (the exact number of comparison cases and the period of evaluation were not specified). The data gathered included the success in reaching agreement, the time to resolution, the types of CHIPS dispositions, the resolutions in companion cases, and the compliance of the parties with the agreements reached through the conferences (the coding forms are included in report's appendix). The analysis revealed that full or partial agreements permitting an uncontested hearing were reached in 86% of the CHIPS cases that went to conferencing and in 71% of the felony child abuse cases. For CHIPS cases only, the mean time from filing to disposition was 67.8 days for mediated cases before the unified family court, virtually identical to the 67.7 for the standard court process. However, for criminal child abuse cases, the mean time from filing to disposition was 52.9 days for cases that reached agreement in mediation, but 178.7 days for cases handled under the traditional system.

It is difficult to fully evaluate this research because a detailed description of the evaluation period and methods (exactly how were test and comparison cases selected?), were not provided. It appears, however, that this was a post-test comparison group design, which is a relatively weak approach to causal inference. On the positive side, the authors presented five fictionalized examples of cases that went to mediation, which provided a good sense of the difficult matters faced by the families, social services agencies, and the courts.

E. Matrix overview of program evaluations

Table 12: AOC Literature Review Summary Table summarizes what we've identified to date about court evaluations.

Table 12: Literature Review Summary Table

| Type of Court | Jurisdiction | Coordination Method | Overview | Methods/Data Sources | Findings | Comment | Reference |
|---------------|--|--|--|--|--|--|--|
| Family Court | 17 th Judicial District (Adams & Bloomfield Counties), CO | 1. One family, one judge. 2. Family Court Faciliator to identify cases belong to same family & promote early case planning. 3. Multi-Disciplinary Review Teams to review service plans. | 1. Pilot project started in September 2000. 2. True social experiment; random assignment of dependency & neglect filings to either Family Court Division or traditional processing (control group). 3. Family's other cases identified; all cases heard by one judge in Family Court Division. 4. Evalaution covers first year of the pilot project, September 2000 and August 2001 | 1. Detailed review of court records for 27 Family Court cases & 28 cases handled by traditional courts, cases filed between Sept. 2000 & April 2001. 2. Surveys of attorneys involved in cases selected for review. 3. Family Court Facilitator, court staff, Multi-Disciplinary Team members, other judicial system members, social service employees, etc. | 1. General consensus that bundling cases & one family, one judge coordination better serves needs of families. 2. Family Court cases more likely than control cases to involve counseling & mental health service. 3. Family Court out-of-home placements shorter duration than control court placements. 4. Family court did not reduce number of hearings. 5. Family Court & control cases moved at similar paces. 6. Need flexibility on what types of cases to bundle & scheduling of case reviews. | Limited number of cases and brief review period make evaluation exploratory, but random assignment of cases a powerful research design. | Commission on Families in the Colorado Courts, n.d. |
| Family Court | Johnson, Monroe, & Porter Counties, IN | 1. Varied between counties, but either one family, one judge or one family, on case manager. 2. Family Court Facilitator helped coordinate case matters. | 1. Pilot projects began in early 2000. 2. Evaluation covers about fist year of pilot projects, early 2000 to May 2001. | 1. Statewide assessment of needs for processing cases involving families and children, based on surveys and focus groups (these results not reviewed here). 2. Review of descriptive data collected by pilot projects on number of cases, types of cases, disposition times, etc. | 1. Many families that come to court have multiple cases; pilot projects addressed 560 cases belonging to 159 families (3.5 cases per family). 2. Most common cases were divorce, children in need of services, juvenile delinquency, and protective orders. This was consistent across pilot projects. 3. Most case referred to courts 4. Families had social problems, most commonly severe parental conflict, substance abuse, & domestic violence. | 1. More a needs assessment than an evaluation 2. Research design did not make it possible to determine whether pilot projects' outcomes were different outcomes experienced by traditional courts | Kuhn, 2001 |
| Family Court | 14 family courts covering 26 counties in KY | 1. Goal was one family, one judge; little detail on how the courts operated. 2. Family Court team included judges, court administrator, one or more support workers, bench clerk, staff attorney, & judicial secretary. | 1. Jefferson County (Louisville) began pilot project in 1991 2. Since 1998, thirteen addition pilot projects have been established. Evaluations conducted on Jefferson County in 1992 and six additional counties in 2000. | 1. Evaluation of Jefferson county's project after second year included surveys of attorneys and litigants. 2. Evaluations of six projects in 2000 included site observations, interviews, focus groups, & case file reviews. | 1. Jefferson county surveys found general support for Family court among attorneys & litigants. 2. Rural Court evaluations provided detailed information on the process of implementation | | Family Court Development Project, n.d.; State Justice Institute, n.d.. |

Table 12: Literature Review Summary Table

| Type of Court | Jurisdiction | Coordination Method | Overview | Methods/Data Sources | Findings | Comment | Reference |
|---------------|--|---|--|--|---|---|--------------------------------------|
| Family Court | Rockingham & Grafton Counties, NH | 1. One family, one judge. 2. Minimize adversarial process by emphasizing ADR, such as mediation. 3. No other details on court organization . | 1. Pilot projects started by legislature in 1995. 2. Evaluation covers first year of pilot project, July 1, 1996-June 30, 1997. 3. Focus on making process easier to understand for <i>pro se</i> litigants. | 1. Analysis of times to disposition for marital & juvenile filings based on AOC case statistics. 2. Survey of attorneys & others with experience in the family division. 3. Survey of litigants. 4. Telephone & in-person interviews of judges, masters, clerks of the court, court staff, & others. | 1. AOC statistics indicate that time to disposition for marital & juvenile cases filed in the pilot project shorter than in traditional courts. 2. Implementation of ADR program, but only 20% of litigants use ADR. 3. Court locations convenient. 4. Litigants say court process is easy to understand. 5. One family, one judge 90% of time. | Provides example of user and attorney surveys. | Solomon, 1997 |
| Family Court | Rockingham & Grafton Counties, NH | 1. One family, one judge. 2. Coordinators are responsible for overseeing efficient & timely processing of cases. 3. Provides considerable detail on court organization. | Evaluation covers the period from fiscal year 1997 to fiscal year 1999. | 1. Survey of a random sample of Family Division Pilot Project (FDPP) marital users. 2. Survey of a random sample of traditional court marital users. 3. Survey of a random sample of FDPP juvenile users. 4. Survey of a random sample of traditional court juvenile users. 5. Survey of a random sample of Family Division professionals. | 1. Users indicated Pilot Program met its goals of serving public in a user-friendly manner. 2. Attorneys familiar with both FDPP & traditional courts thought FDPP provided better services. 3. Litigants & professionals indicated high levels of satisfaction with both FDPP & traditional courts. 4. FDPP costs more than traditional courts. | Results are consistent with Solomon, 1997 evaluation. | Office of the Budget Assistant, 2000 |
| Family Court | Fayette, Lorain, Mercer, & Clermont counties, OH | 1. Each county had its own plan; none implemented a true unified family court. 2. Plans generally tried to enhance case management systems and family services. | 1. Evaluation covers nearly three years. 2. It includes technical assistance during early phase & observations & interviews in the later phase. | 1. Review of case files to determine prevalence of multi-case families. 2. User satisfaction survey of litigants that participated in mediation. 3. Site visits and structured interviews to access process of implementation. | 1. Overall, 52% of cases were associated with other cases filed in the county in previous 5 years. 2. Litigants expressed clear satisfaction with mediation process. 3. Process of implementation varied considerably across pilot projects. | Provides detailed information on the process of implementation in the counties. | Hurst, & Halemba, 2002 |
| Family Court | Deschutes County, OR | Initially one family, one judge; later one family, one judge, & one family court advocate to coordinate a treatment plan for | Legislative-mandated evaluation of pilot unified family court, covering period from Feb. 1, 1996 through Dec. 24, 1996 | 1. "Funds were not authorized to evaluate the program, making it impossible to use sophisticated research techniques." 2. Database to track families, confidential questionnaires | 1. 19 of 32 families reviewed by the Family Advocate Screening Team were assigned to treatment team & court supervision 2. Treatment was judged | 1. Outcomes of treatment families not compared to outcomes of families not in treatment | Tiktin & Mazorol, 1997 |

Table 12: Literature Review Summary Table

| Type of Court | Jurisdiction | Coordination Method | Overview | Methods/Data Sources | Findings | Comment | Reference |
|------------------------|--|---|--|--|---|--|--|
| | | appropriate families | | mailed to team members & families; & telephone interviews with agencies, schools, & attorneys. | successful for 14 of 19 families 3. Generally high satisfaction for program by those completing questionnaires & responding to phone interviews. | 2. Small number of families & relatively short evaluation period 3. No objective measures of success reported | |
| Family Court | Ten city & county jurisdictions in VA | 1. No detailed description, but presumably on family, one judge. 2. Family Court Clerk's Office bundled divorce, juvenile, & other family-related cases to be heard by the pilot project family court. | 1. Evaluation proceeded alongside the two-year pilot project. 2. Quasi-experimental design comparing pilot project & control courts. | 1. Data sheets to collect information on cases & litigants, 2. Surveys of litigants, litigants, lawyers, judges, court clerks, and juvenile court service unit directors. 3. Interviews with judges 4. Detailed coding of divorce cases from case files. | 1. Mostly custody, child support matters, and divorce matters. 2. 20% of divorce cases are associated with other court actions. 3. Litigants, lawyers, and judges found the timeliness of divorce case processing to be more satisfactory than in the circuit courts. 4. Litigants in the family courts consistently rated their court experiences more positively than litigants from traditional courts. 5. Judges, lawyers, & others thought family courts performed more satisfactorily and earned greater respect and confidence than the courts that traditionally adjudicate family law matters. | Rigorous quasi-experimental design, covering two years & including substantial data collection. | Judicial Council of Virginia, 1993 |
| Model Dependency Court | Arizona, with cases selected from urban (Maricopa, Pima) & rural (Cochise, Coconino) counties. | No detailed description; may vary by county | 1. Arizona mandated all counties implement Model Court standards for child dependency cases by Jan. 1, 1999. 2. Evaluation of Model Courts, comparing cases filed in 1996 (before Model Court) and 1999 (after Model Court implementation). | 1. Quantitative analysis based on a random sample of 318 dependency cases filed in 1999, and 311 matched dependency cases filed in 1996. 2. Qualitative analysis based on a statewide survey of stakeholders and interviews with stakeholders in the four study counties. | The results are too detailed to summarize, but; 1. Juvenile courts in Arizona are processing cases in a more timely manner. 2. Children are spending considerably less time in out-of-home placements. 3. Courts are issuing more specific orders. 4. State and federal governments have realized sizeable savings in placement | Most comprehensive and rigorous evaluation included in this literature review. | Siegel, Halemba, Gunn, & Zawacki, 2002 |

Table 12: Literature Review Summary Table

| Type of Court | Jurisdiction | Coordination Method | Overview | Methods/Data Sources | Findings | Comment | Reference |
|---|----------------------------------|---|--|--|--|--|-----------------------|
| | | | | | costs. | | |
| Model Dependency Court | Philadelphia | 1. Counsel & Child Advocates are assigned upon the filing of a case. 2. Mediator assists attorneys, social workers, and parent(s) to agree on child placement, visitation, and required services. 3. Court monitors and enforces agreement. | 1. Model Court handles dependency cases involving child abuse & neglect. 2. Evaluation of Model Court over first four months of operation (Dec. 1, 1998- Mar. 31, 1999). | 1. Interviews and field observations. 2. Data extracted from court's automated system. 3. Data manually collected from randomly selected court files. 4. Comparison between 289 randomly-selected court files, 145 from the Model Court & 144 from the Non-Model court | 1. Model Court children tended to be younger, were more likely to suffer abuse, serious medical or emotional problems, & to have more dysfunctional families than children in core courts. 2. The Model court made quicker dispositional decisions. 3. Model Court orders were considerably more detailed and specific. | While the period covered by the evaluation is relatively short, the researchers employed a rigorous evaluation design. | Hurst & Halemba, 2000 |
| Family Court, but focus of study on dependency issues | La Crosse & Madison Counties, WI | 1. Cases involving child abuse & neglect (CHIPS) were eligible for program. 2. Mediated child protection conference involving all parties. 3. Plan adopted during mediation monitored by court. 4. One judge, one family: One judge responsible to all cases involving a family. | 1. Pilot programs that were part of the Wisconsin Unified Family Court Project. 2. Description of the process in both counties; evaluation of 37 mediation conferences in La Cross County 3. Evaluation period is not stated, but the program started after 1998 | 1. A description of problems encountered in developing & implementing project; information gather through personal interviews. 2. Analysis of mediation conferences from case records; cases in mediation compared to cases prior to program implementation. 3. Description of process based on personal interviews. | 1. Average case processing times for civil child abuse & neglect cases were the same for pilot program & traditional civil process 2. Average case processing times for felony cases were lower for pilot program & traditional civil process 3. 84% of all cases were resolved with in mediation session 4. Agreements were reach in 86% of all CHIPS cases & 71% of felony cases. | Evaluation included a few detailed case descriptions & the forms used to code the cases. | Martin & Weller, 2001 |

IV. LESSONS LEARNED

A. Usefulness of methodologies that have been used to evaluate other unified family court programs

There seems to be general agreement among evaluators of family courts and dependency courts about useful research designs and methods. Virtually all studies included a formative component. Researchers were interested in the process of implementation. They investigated how programs are structured, which aspects of the implementation worked well and which ones did not work well, and what needs to be done to improve implementation and family court operations. These issues were explored through field observations, in-person and telephone interviews, focus groups, and formal surveys, mostly focused on judicial officers, court clerks and other staff members, family court coordinators, representatives from social service agencies, and attorneys involved in family and juvenile matters.

Researchers also were interested in impact of implementation, although family court researchers were less likely than those studying dependency courts to undertake summative evaluations. In the case of new family court programs, for example, researchers tabulated the number and types of cases processed by the courts, the number of hearings experienced by family in pilot project and traditional courts, and investigated whether family court processing times were shorter than traditional courts. They looked at alternative dispute resolution to see if such services increased and how litigants evaluated the services. Researchers also explored litigants' experiences and satisfaction with their court experiences. Information on the case characteristics and processing outcomes was usually obtained from case management programs (where they were available) and case files. Information on the other outcomes was typically gathered with surveys administered to litigants and judicial system participants.

Some unified family court researchers used quasi-experimental research designs, comparing pre- and post-test groups. The Colorado pilot project in the 17th Judicial District actually incorporated a true experimental design from the start, with dependency and neglect cases randomly assigned to either the new Family Court Division or traditional court processing. That allowed researchers to compare cases that had been adjudicated in pilot project and traditional courts over the same period. The New Hampshire evaluator compared disposition times for marital and juvenile filings in the family court to similar filings one year earlier. She also asked judicial system participants to compare current outcomes with past outcomes. The Virginia researchers developed a complex design to compare outcomes from the pilot project courts with outcomes from control courts, taking into account whether the courts were located in urban or rural areas and whether they were run by Juvenile Court or District Court judges. Data were gathered from case files and surveys with litigants and other judicial system participants.

The three evaluations of dependency programs used quasi-experimental methods. The sampling methods varied from study to study. In La Crosse County, WI, the researchers selected all cases that involved mediation (post-test) and a “matched group of cases” that occurred before program implementation (pre-test). In Philadelphia, the researchers randomly selected dependency cases processed either by the Model Court or by traditional courts. In Arizona, the researchers selected all dependency petitions before (pre-test) and after (post-test) court reforms for small counties. In populous counties, they used random selection of cases after reform (post-test), and matched these cases with those occurring before reform (pre-test). The case-matching characteristics included child’s age at filing, number of siblings, and petition source.

The general evaluation plan for the Mentor Courts should include both formative and summative components and a quasi-experimental research design. The research methods likely will involve some combination of onsite observations, telephone or in-person interviews, focus groups, surveys, and the extraction of data from case management systems or case files. This general plan for will have to be tailored to each Mentor Court, and will depend upon the goals of the unified family court, its jurisdiction, method of coordination (“one family, one judge,” “one family, one file,” etc.), case management system, number of cases, period of time after implementation, and other factors. For example, in less populous counties with relatively few cases, it may make sense to review all post-implementation cases and compare them to all similar cases that either occurred before implementation or that were assigned to traditional courts after implementation. It might also be possible to interview all stakeholders in person or by phone. In more populous counties, sampling probably would be necessary (random or match-pairs) and surveys would need to be administered to the stakeholders. But in the process of tailoring the general plan, a real effort will be made to collect comparable data cross the Mentor Courts to enhance reliability and validity and, as a consequence, the generalizability of the results.

B. Indicators/measurements used in other unified family court program evaluations that would be transferable and useful to this project

The family court and dependency evaluations contain numerous data collection instruments that can provide models or suggest ideas for the Mentor Court evaluation. The family court evaluations for Kentucky, New Hampshire, Ohio, and Virginia contain user or litigant satisfaction surveys focusing on court or mediation experiences. Evaluations for Kentucky, New Hampshire, and Virginia include questionnaires tailored to specific judicial system participants, like judges or lawyers, or designed to be answered by all systems participants, including judges, lawyers, court staff, family court coordinators, and social service agencies. In addition to these surveys, the evaluation of Kentucky’s rural family courts contains a protocol for running focus groups with pilot project stakeholders, while the Virginia report includes a protocol for interviews with judges. Unfortunately the family court evaluations do not contain examples of the data collection instruments used to gather information from

cases files, although the information that was collected is suggested in the various tables summarizing case types, disposition times, etc.

The dependency evaluations also contain potentially useful examples of data collection instruments. The Arizona evaluation contains the survey used to conduct a statewide assessment of the juvenile court system's handling of dependent, neglect, and abuse cases since the implementation of the model court, which was administered to all stakeholders. The Arizona and Philadelphia evaluations contain the case coding forms used to gather detailed information on the outcomes of dependency cases. Finally, the Wisconsin evaluation includes the coding forms used to collect information on child protection mediation hearings. To the extent that the Mentor Courts focus on such cases, some aspects of the instruments will be transferable. To the extent that the programs include a wider range of cases, these instruments will have limited utility.

Whether or not the coding forms prove useful, they provide guidance for the Mentor Court evaluation. It is clear that a thorough understanding of case processing for the different types of cases handled by unified family courts is essential to construct meaningful coding forms and questionnaires. For Arizona's dependency cases, case coding involved three lengthy forms, Child Court Processing Information (seven pages), CASA Activity, Presenting Problems and Placement History (five pages), and Model Court Minute Entries-Court Improvement (six pages). Second, they suggest how to operationalize such concepts as case characteristics, timeliness of court proceedings, specificity of court orders, case outcomes, and many others. The details gathered from these instruments make for wide range of rigorous comparisons between pre- and post-test outcomes and help ensure that any conclusions regarding impacts are valid and reliable. Still, less detailed indicators have some utility. Deschutes County researchers judged success depending upon whether families completed or stayed with their treatment programs (success) or quit the programs (failure). La Crosse County investigators determined the success of mediation by asking whether agreements were reached, how long it took to reach agreement, and whether parties complied with the agreement. Clearly there is a trade-off at work here. The detailed measures used in Arizona are more valid and reliable, but they undoubtedly are more costly in terms to collect.

C. Pitfalls/Problems to anticipate in evaluations of unified or coordinated family court programs

The unified family court evaluations reviewed did not offer much discussion of pitfalls and problems. But a few obstacles are readily apparent. It is obviously time-consuming and costly to undertake detailed data collection from case records, especially if the data collection involves large samples of different types of cases. Not one family court evaluation attempted to do this. The Colorado evaluation involved the coding of case files to determine outcomes, but the focus was on a limited number of outcomes in dependency

cases.¹³ The in-house evaluation in Deschutes County, which lacked any funds for research, reviewed a very limited number of cases to determine whether the families completed or stayed in a treatment program. The Arizona and Philadelphia evaluators coded large samples of dependency cases for a variety of outcomes, but these projects appear to have been particularly well-funded.

In addition to the cost of collecting information from case files, the Arizona investigators discussed the difficulties of coding case information, in this instance the problem of determining exactly when a court made a finding of fact as to whether the child is considered dependent. Because this finding is not always a single decision, coders had to determine the first adjudication on a parent who had some involvement, or ability to be involved, in the case planning for the child. The general point is that even with detailed coding forms, researchers have to exercise professional judgment regarding sometimes ambiguous events. Training, practice, and ongoing review are necessary to manage such coding problems.

One possible alternative to data contained in case files is the data contained in automated case management systems. However, researchers frequently complained about not having automated systems that were capable of identifying families with multiple cases before the court or determining case characteristics, processing times and other outcomes. Only the New Hampshire report used automated data to determine disposition times. Another possible alternative used by the Virginia evaluation was the development of data sheets, filled out by court staff, that collect information on types of cases, numbers and types of related cases, number and age of children, litigant characteristics, and representation by counsel. This solution places one more burden on the courts and, therefore, many not be welcomed.

Because of the difficulties of collecting data from cases files and automated systems, researchers relied a great deal on social surveys. Response rates varied considerably. The Virginia researchers used mail surveys and obtained a 50% response rate from family law attorneys and a 33% rate from litigants. New Hampshire's mail survey of legal system practitioners obtained only 38% response rate. The Arizona researchers experienced a low response rate to their statewide survey of stakeholders (1,535 surveys were mailed out, but 453 or 30% were returned). Fifty-four percent of Judges/Commissioners, and 57% of Assistant Attorneys General, returned surveys. Less than 34% of other groups (private attorneys, social workers, court administrators, AOC staff, foster parents, etc.) responded. Along this same line, the La Crosse researchers complained that "only a small number" of parents (n=16) returned a simple response card asking about their satisfaction with mediation (they don't report the response rates). One possible solution is large sample sizes. While Virginia's response rates were low, the sample sizes of 1,000 attorneys and 9,000 litigants meant they had large numbers of surveys to analyze despite the low response rates.

¹³ The evaluations in Ohio and Virginia involved a review of case records to identify families that had multiple cases before the courts, but not to determine outcomes for different types of cases.

Another solution is in-person surveys. New Hampshire's litigant response rate was 58% because court staff administered the questionnaires at each family court location.

Surveys have their limitations when the goal is to measure objective outcomes, as opposed to the feelings and opinions of respondents. For example, there is considerable interest among family court researchers about the extent to which families have multiple cases before the courts. Estimates of the percentage of child abuse and neglect cases that linked to other family cases range from 35% in client surveys, to 40% in a national survey, and to 51% in a survey of legal system participants. Review of case files in Ohio showed that 64% of child abuse and neglect cases had related cases (Hurst & Halemba, 2002).

Finally, many of the evaluations reviewed here covered relatively short periods of time, a fact noted by a number of researchers. The La Crosse researchers argued for three and five year follow-ups to understand changes in the program's goals and processes, types of cases, services provided, and outcomes for families.

V. REFERENCES

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