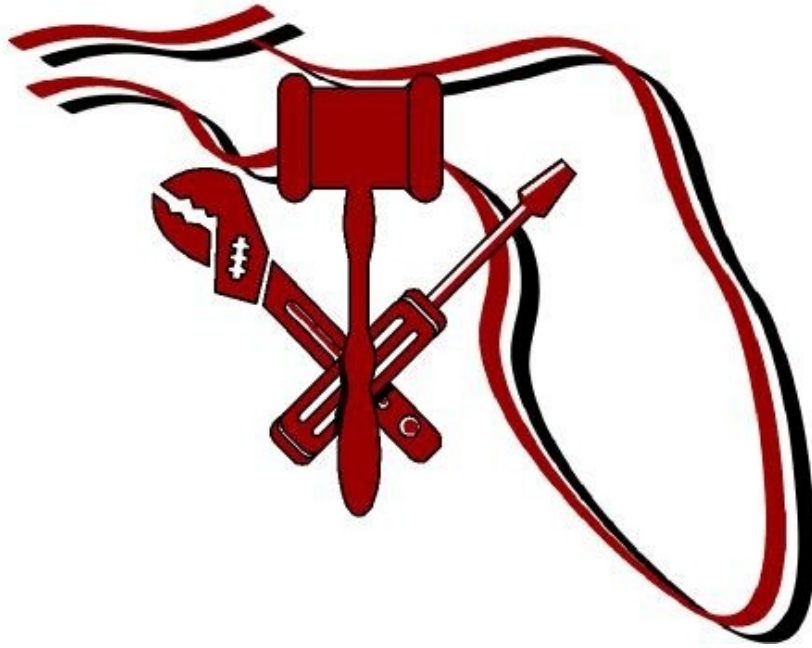


# Florida's Family Court Tool Kit: Volume I



A guide to assist judges and staff in responding effectively and efficiently to the judicial needs of Florida's families.

**February 2009**

Office of the State Courts Administrator  
The Steering Committee on Families and Children in the Court



## **Guiding Principles for Defining and Implementing a Model Family Court<sup>1</sup>**

Children should live in safe and permanent homes.

The needs and best interests of children should be the primary consideration of any family court.

All persons, whether children or adults, should be treated with objectivity, sensitivity, dignity and respect.

Cases involving inter-related family law issues should be consolidated or coordinated to maximize use of court resources to avoid conflicting decisions and to minimize inconvenience to the families.

A key part of the family court process should be establishment of processes that attempts to address the family's interrelated legal and nonlegal problems to produce a result that improves the family's functioning. The process should empower families through skills development, assist them to resolve their own disputes, provide access to appropriate services, and offer a variety of dispute resolution forums where the family can resolve problems without additional emotional trauma.

Whenever possible, parties and their attorneys should be empowered to select processes for addressing issues in their cases that are compatible with the family's needs, financial circumstances, and legal requirements.

The court is responsible for managing its cases with due consideration of the needs of the family, the litigants, and the issues presented by the case.

There should be a means of differentiating among cases so that judicial resources are conserved and cases are diverted to non-judicial and quasi-judicial personnel for resolution, when appropriate and consistent with the ends of justice.

Trial courts must coordinate and maximize court resources and establish linkages with community resources.

The court's role in family restructuring is to identify services and craft solutions that are appropriate for long-term stability and that minimize the need for subsequent court action.

Court services should be available to litigants at a reasonable cost and accessible without economic discrimination.

Courts should have well trained and highly motivated judicial and non-judicial personnel.

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<sup>1</sup> Adopted by the Florida Supreme Court In re Report of the Family Court Steering Committee, 794 So. 2d 518, 522 (Fla. 2001)



# Florida's Family Court

## Tool Kit: Volume I

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**The practices in the Tool Kit should make the court experience better for all involved, including judges, staff and most importantly, families.**

## **What** is the Tool Kit?

It contains suggestions for each of the major case types identified under the umbrella of the unified family court jurisdiction.

The practices suggested are in keeping with the **Florida Supreme Court's vision** that family courts:

- **coordinate and maximize court resources**
- attend to the **needs of the family to ensure that appropriate referrals** are made to community resources

## **Why** use it?

**The tools included in this volume do not require additional circuit resources!**

Using the tools may initially require planning time of judges and court staff, but will result in timesaving and cost effective court operations.

Using the practices suggested in this Tool Kit may help circuits accomplish the following:

- **decrease delays in case processing**
- **minimize conflicting orders**
- **decrease number of post judgment actions**
- **minimize duplication in hearings**
- **improve judicial decision-making**

It is **likely that most of the families are in family court for one action** or one court filing. The majority of the Tool Kit tackles issues related to each specific case type. Because **some of the families who appear in family court may be involved in more than one court action** (past or pending), the Tool Kit provides practices for approaching these related cases as well.

*In general, the practices found within this document should assist in streamlining court actions - a necessity given recent budget cuts, an overall increase in family court filings and the imminent shift in the way the judicial branch will be funded.*

# Who should use this Tool Kit?

To use the practices suggested in this Tool Kit, it is likely that judges and a **variety of court staff** will need to be involved, including general masters, hearing officers, law clerks, case managers and other court administration staff.

Although the Tool Kit targets court practices involving court staff, **stakeholders** will be impacted by these practices and should be included in any implementation plan.

# When should this Tool Kit be used?

## Now!

Court reform comes from both internal and external sources. The Supreme Court has clearly communicated its vision for Florida's family courts. The vision is a **result of years of careful deliberation and collaboration** among many judicial stakeholders. In addition, recent **budget cuts and Revision 7, the amendment to Article V of the Florida Constitution**, have driven the judicial branch to closely examine its practices. The efficiencies gained by implementing practices identified in the Tool Kit attempt to minimize the impact of shrinking resources and increasing caseloads.

# How?

**Begin** one page . . . one practice at a time.

## Take inventory of:

- those practices already used
- those that seem like a good idea
- those, that for whatever reason, will not work in the circuit

For those practices that seem like a good idea, identify:

- **who might assist** with accomplishing a method for implementing them, including who will provide judicial leadership
- a **time frame** for implementation
- **specific tasks** necessary to achieve each practice
- how to **determine accomplishments**

**Learn from other circuits** that already use the practice.

# FLORIDA'S FAMILY COURT TOOL KIT, Volume I *Readiness Assessment*

## READINESS ASSESSMENT

Consider the following to determine the circuit's readiness to carefully examine and retool family court practices:

- Have judges and court staff read the Supreme Court opinions regarding unified family court, particularly the May 2001 opinion? See *In re Report of the Family Court Steering Committee, 794 So. 2d 518 (Fla. 2001)*.
- Have judges and court staff read your circuit's family court administrative orders?
- Has the circuit identified all available family court staff and courthouse staff who could potentially contribute to implementing the unified family court?
- Does the circuit have willing and experienced judges assigned to the family court?
- Does the circuit have strong judicial leadership for its family court?

### Family Court Jurisdiction:

<ul style="list-style-type: none"> <li>• dissolution of marriage</li> <li>• division &amp; distribution of property arising out of dissolution of marriage</li> <li>• annulment</li> <li>• custodial care / access to children</li> <li>• adoption</li> <li>• support unconnected with dissolution of marriage</li> </ul>	<ul style="list-style-type: none"> <li>• child support</li> <li>• paternity</li> <li>• URESA / UIFSA</li> <li>• declaratory judgment actions related to premarital, marital, or post marital agreements</li> <li>• name change</li> <li>• juvenile delinquency</li> </ul>	<ul style="list-style-type: none"> <li>• emancipation of a minor</li> <li>• CINS / FINS</li> <li>• truancy</li> <li>• juvenile dependency</li> <li>• termination of parental rights</li> <li>• civil domestic, repeat violence, dating violence, and sexual violence</li> <li>• modifications and enforcement of orders</li> </ul>
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## A SHORT QUIZ & A WORD ABOUT CROSSOVERS

**QUESTION: Myth or fact?** The Supreme Court’s vision of a unified family court (UFC) focuses only on coordinating related crossover cases.

**ANSWER: Myth.** (and a popular one at that!) While the coordination of related cases is a critical aspect of the unified family court, other aspects are highly desirable and impact those families who have only one court action. Other unified family court principles and elements unrelated to crossovers include: maximize and streamline the use of alternative dispute methods and programs; the coordination and maximization of court resources; providing the family with linkages to appropriate court programs and community services; the use of case management techniques; and the creation of a multidisciplinary advisory group to support and advise the family court.

**QUESTION: Myth or fact?** The Supreme Court’s vision of a unified family court is that the handling of related crossover cases can only be accomplished by one judge hearing all of the cases.

**ANSWER: Myth.** The Court recognizes that the coordination of related cases can be accomplished by either the “one family, one judge” model or the “one family, one team” approach.

**QUESTION: Myth or fact?** The expectations for unified family courts are a passing fancy.

**ANSWER: Myth.** The UFC is not an experiment for Florida. Rather, it is the product of efforts of the legislature, the judiciary and numerous other stakeholders over the past ten years. The concept has steadily gained support and momentum not only in Florida but nationwide with a significant number of states implementing unified family courts. Something that is good for Florida’s families won’t go out of fashion.



## RESEARCH RELATED TO CROSSOVERS

An independent, private team evaluated a 15 month pilot project of the integrated family court in Maricopa County, Arizona. The pilot included five judges and used the one judge/one family model. Aspects of the pilot were similar to the model described in Florida's Supreme Court May 2001 opinion. The selected pilot cases involved related cases from both the traditional juvenile division (delinquency and dependency) and the family division (domestic relations). Following the outcome of the evaluation, the integrated family court was expanded to three more Arizona counties. Results from the evaluation showed that:

- There is value to joint administration over crossover cases.
- Some cases that had languished for years were resolved in a few months.
- Consistent decision-making across the related cases was observed.
- The number of judicial officers involved with one family was reduced from 3.25 per case to 1.71 per case - a 47% reduction.

*From the Evaluation of the Effectiveness of the Integrated Family Court Pilot Project: Final Report, November 2002*

In Colorado, the Adams County Family Court Pilot randomly assigned families with dependency actions and related cases to a pilot group and control group (traditional court processing). Findings include:

- All of the pilot cases, compared to 39.3% of the control group cases, had at least one hearing that dealt with two or more filings.
- Among the control group, 53.6% had a service related to substance abuse mentioned in two or more orders - creating a risk that orders may overlap services.
- Initial concerns about the workload diminished over time.
- In cases with out-of-home placements, Family Court children had shorter placements (averaged just over three months) than did control group children (averaged over six months).
- Overall, Family Court and control cases moved through the legal system at a very similar pace. However, there is some evidence that the non-dependency cases seen by the Family Court moved more rapidly to resolution.
- Consensus among dependency court professionals that bundling cases and relying on one family/one judge creates a more informed bench, offers a better opportunity to respond to needs of cases and can have great benefits when the family's problems are severe.

*From the Final Report of the Adams County Family Court Pilot Program*



- ***Basic Case Management Techniques***

- *case processing*
- *Service linkage*
- *crossovers*

- ***Family Law Advisory Groups***

This volume of the Tool Kit presents two incremental steps, or Building Blocks, towards full realization of the unified family court. This Tool Kit addresses each Building Block individually and provides:

- ❖ **practical tips for implementation**
- ❖ **practice examples**
- ❖ **additional resources**

## **Volume I Building Blocks**

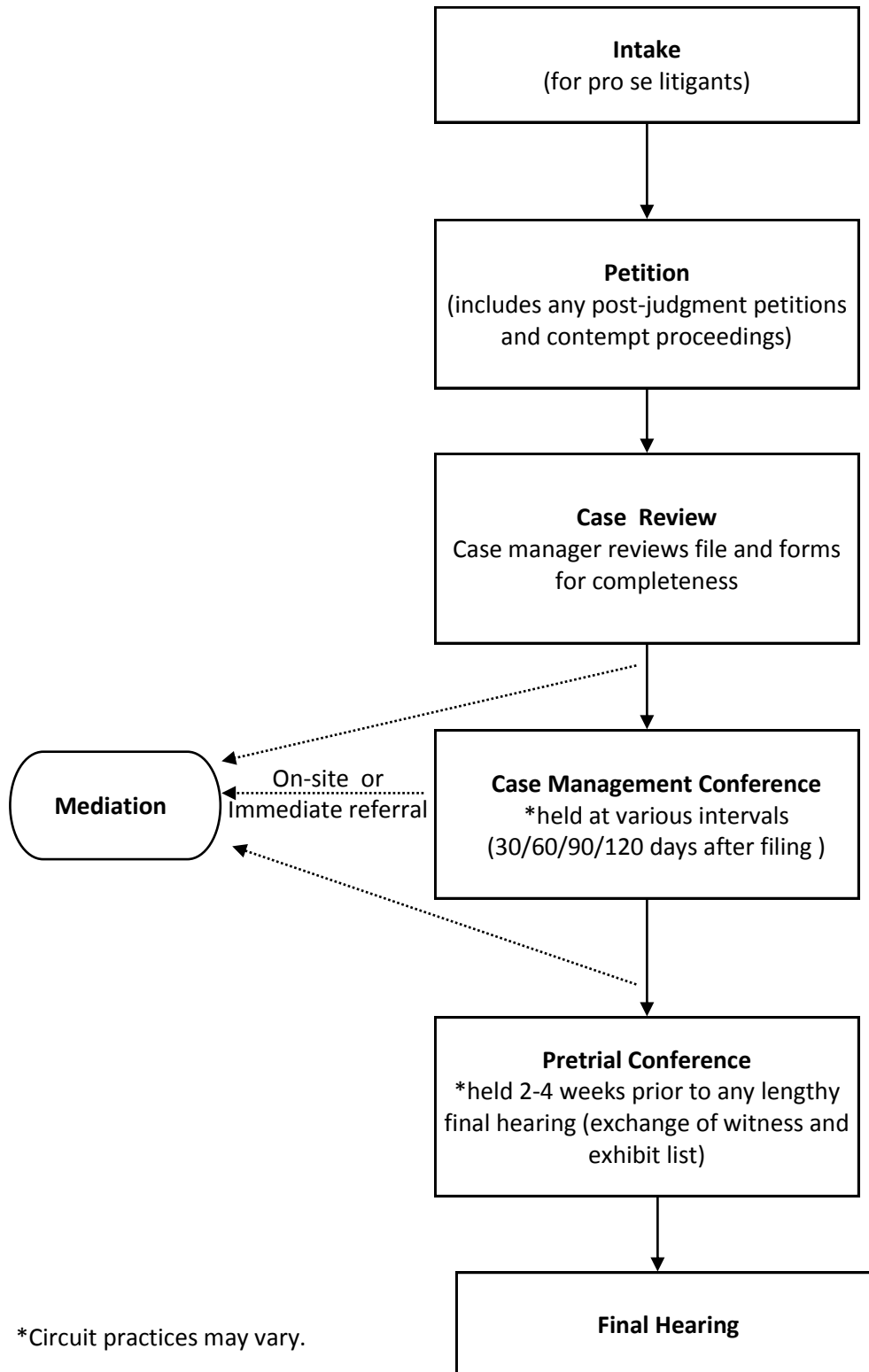
### **Apply basic case management techniques.**

- Process dissolution of marriage, delinquency, dependency, domestic violence, and child support cases
- Provide linkages to services
- Begin to identify crossovers

**Establish a Family Law Advisory Group (FLAG) to foster meaningful collaboration between the court and community stakeholders.**



# DISSOLUTION OF MARRIAGE CASE MANAGEMENT FLOWCHART





## **Apply Basic Case Management Techniques Dissolution of Marriage Case Processing**

**Ensure that intake services are provided for dissolution of marriage litigants either by the clerk's office or a case manager of the court.**

Litigants should be provided:

- access to Florida Supreme Court promulgated forms
- referrals to local self-help center or local case manager
- information to litigants regarding local social service resources, including services for divorcing parents

**Second Judicial Circuit**

This circuit's self help program services Leon County and four small surrounding counties. The program has a "how to do it" brochure and cassette. Staff schedule half hour appointments and cover specific tasks for the pro se litigant to accomplish. Staff found that in the smaller counties, this one-step-at-a-time approach is necessary.

**Thirteenth Judicial Circuit**

This circuit's website contains a user-friendly "Family Law Self-Help Center" page with detailed instructions for all forms. The site includes frequently asked questions, forms packets, instructions, lawyer referrals and links.

## Apply Basic Case Management Techniques Dissolution of Marriage Case Processing

### Use differentiated case management for dissolution cases:

- Almost 70% of dissolution cases require the least judicial oversight. Know them. Screen all cases upon filing and sort them by their complexity and case characteristics to assign them to case tracks. Identify simple cases that the court can dispose of promptly and efficiently; identify more complex cases that can be given the time and the court resources that they need. The Dissolution of Marriage Assessment<sup>2</sup> shows that 69% of cases are simplified cases, defaults, waivers and cases with early marriage settlement agreements.
- Each case should be assigned to a case management track as soon as its complexity is ascertainable (generally within the first sixty days).
- Periodically assess case status, ordering any interventions and/or evaluations necessary for disposition of the case and monitor compliance with those orders. Cases may need to be assigned to a different case management track. Order alternative dispute resolution when appropriate and schedule case management conferences at meaningful intervals.

Case Characteristics <sup>3</sup>	Percentage
Defaults, Waivers, and MSA within 30 days (but not at filing)	36%
Simplified Case and Cases with MSA at Filing	33%
Other	31%

<sup>2</sup> For more findings from the Dissolution of Marriage Assessment, see Resources Tab

<sup>3</sup> Findings from the 2000 Family Court Dissolution of Marriage Assessment.



**Sample Differentiated Case Management Tracks for Dissolution of Marriage Cases**, developed by the Case Management Subcommittee of the Florida Supreme Court’s Family Court Steering Committee (2000-2002).

Track 1	Track 2	Track 3	Track 4
<ul style="list-style-type: none"> <li>• no more than two hearings</li> <li>• minimal case management involvement</li> <li>• present no issues upon filing</li> <li>• present no child safety issues</li> <li>• family court staff reviews filings for completeness and then schedules case for hearing</li> <li>• most adjudicated within 60 days</li> <li>• includes simplified dissolutions and uncontested dissolutions of marriage when all issues are resolved prior to filing</li> </ul>	<ul style="list-style-type: none"> <li>• present one or two simple legal issues usually can be identified upon the filing of the answer</li> <li>• need for discovery is limited</li> <li>• parenting issues, child safety issues and/or financial issues are usually amenable to early mediation (within 60 days) or are ready for adjudication within 90 days from filing</li> </ul>	<ul style="list-style-type: none"> <li>• moderately complex crossover cases</li> <li>• cases that present at least three contested legal issues or at least one complex contested legal issue</li> <li>• cases that present parental issues which do not resolve through early alternative dispute resolution</li> </ul>	<ul style="list-style-type: none"> <li>• more complex crossover cases</li> <li>• cases that present competency issues</li> <li>• cases that have significant physical or mental health issues, and/or substance or alcohol abuse issues</li> <li>• high conflict cases</li> <li>• cases that have a high need for referrals for evaluation and social services</li> <li>• cases in which there is a chronic pattern of family violence</li> <li>• cases in which a child is estranged from his or her parents</li> </ul>

**Additional Sample Differentiated Case Management Tracks.**

1. Simple/Early Resolution
2. High Conflict (needs early intervention and constant attention)
3. Complex (needs time)
4. Standard

## **Eighth Judicial Circuit**

This circuit has started to develop a differentiated case management system by enlisting the help of two family law attorneys in the design and development of a differentiated case management score sheet. The score sheet will address the severity of presenting issues in a domestic relations case and the track to which it will be placed. The attorneys tested the score sheet on a sample of their own filings and then provided court staff with feedback.

## **Twentieth Judicial Circuit**

As part of Lee County's model family court pilot, intake specialists and case managers are trained in the dynamics of family crisis and differentiated case management so that they can effectively screen cases and place them on appropriate tracks. Tracks currently used include:

- immediate track (domestic violence injunctions, emergency shelter hearings, temporary support hearings)
- fast track - finalized within 30 days (simplified dissolutions, cases involving stipulations and settlement agreements)
- standard track - finalized within 60 days (typical cases with no high conflict issues, but without an agreement)
- high-conflict track (contested cases with unsuccessful alternative dispute resolution outcomes)

High-conflict cases are reviewed by the high-conflict team, which includes representatives from the Department of Children and Families, the Department of Juvenile Justice, guardian ad litem, Domestic Violence Unit, and Family Court Services. The high conflict team reviews cases two days each month and makes appropriate referrals and suggestions for resolution.

Also, the Twentieth Circuit allows for "Special Interrogatories" that contain the usual jurisdictional questions asked to establish a dissolution, to be filed when the dissolution is uncontested. The file is submitted to the judge with the "Special Interrogatories," a checklist completed by the clerk that shows certificates have been filed for attendance at the parenting class, the marital settlement agreement, and the proposed final judgment. The judge then reviews the information and signs the order granting the divorce without couples having to appear before the court.

## Apply Basic Case Management Techniques Dissolution of Marriage Case Processing

### **Conduct case management conferences for dissolution cases:**

- At case management conferences, all of the tools and discretion provided by Family Law Rule of Procedure 12.200 should be used to: facilitate orderly progress of the case; minimize the need for separate adversarial hearings on pretrial motions; and “de-adversarialize” the process to the greatest possible extent. In addition, family court judges should learn their discretion to employ innovative techniques such as pretrial proffers and family conferencing to enable families to narrow their issues during the process.
  
- During early case management conferences, the following should be identified:
  - expected issues in the case
  - progress of information exchange and discovery
  - complexity of the case
  - anticipated evaluations and interventions
  - need for temporary orders to stabilize the family
  - readiness for mediation
  - any related cases
  
- During successive case management conferences:
  - review the progress of the case
  - schedule further information exchange and discovery
  - review the need for further evaluations
  - determine whether the parties will agree to court-appointed
  - evaluators
  - ascertain compliance with court-ordered referrals and evaluations
  - ascertain when the case is ready for mediation on remaining issues
  - check if there are related cases

## **Seventh Judicial Circuit**

Circuit Judge John Alexander in St. John's County schedules case management conferences at specific intervals (at 45, 75, 90 and 120 days) after which time if the case has not been resolved it is set for trial, if not earlier. These case management conferences are conducted by the judge, by mass docket, every two weeks. During the conferences, the judge establishes:

- whether or not there has been proper service of process on the absent parties
- whether the pro se parties have properly completed their paperwork, including the UCCJEA
- whether proper parties have registered for the parenting class and registered their children for the children's education class

Further, the judge:

- explains to the litigants, especially pro se litigants, the rules of court
- encourages the pro se parties to seek legal counsel
- refers parties to counseling, custody evaluations, substance abuse and mental health assessments, psychological evaluation, and visitation assessments, as appropriate

If the case cannot be resolved, the court will refer the parties to mediation (provided there is no substantial history of family violence) using a court appointed mediator at no cost to the pro se litigants or refer the parties to a mediator at their expense, depending on their income. If the case is not resolved by the last case management conference, a trial date is then set. If the case is resolved during pre-mediation or during mediation, final testimony is taken at the next case management conference. At each case management conference, the next court event is scheduled by case management order. If the case is ready, the judge may issue a final judgment. The judge uses a case management order. The average number of days from filing to final judgment has been 81.5 days. This represents a 45% reduction in time from the year prior to implementation of the case management conferences.

## **Eleventh Judicial Circuit**

Circuit Judge Judith Kreeger has established the following case management conferencing protocol for dissolution of marriage cases:

Note: At each step in the process, identify related cases that should be coordinated for processing and disposition.

### At the 30-day review:

Check for service.

*If there is service of process, then:*

1. Order parenting class, Sandcastles (a course for children involved in divorce proceedings), and family mediation.
2. If there is an answer/waiver (no issues), set final hearing.
3. If there is an answer contesting issues, with at least one lawyer, set first case management conference.
4. If there is an answer contesting issues and both parties are pro se, review file and if issues are simple, consider ordering final mediation.

### At the 60-day review:

Check for service.

*If there is recent service of process, then:*

1. Step 2 above. If Step 2 was previously ordered and no compliance, then order to show cause to monitor compliance.
2. Steps 4 and 5 above.
3. Order financial affidavits if case is contested and in all cases with minor children.
4. If family mediation impasses, order case management conference to consider appointment of guardian ad litem, home study, and/or other interventions.
5. If there is no service, then enter order to perfect service.
6. If service is constructive (publication), review legal sufficiency of affidavit of diligent search.

At the 90-day and 120-day reviews:

1. Follow new case review process, and monitor compliance with orders.
2. If no service at 120 days, dismiss for lack of prosecution.

Protocol for case management conferences:

1. Identify (remaining) issues.
2. Ascertain progress of disclosures and discovery – identify logjams and try to deal with them.
3. Ascertain valuation issues; discuss appointment of one neutral evaluator (real estate, business, vocational, etc.).
4. Review stability of family while case is pending (for example, need for temporary support, access to children).
5. Ascertain readiness for mediation.
6. If not ready for mediation, set next status conference. (Intervals of about 6-weeks between status conferences work well for most cases.)

Judge Kreeger has eliminated the use of calendar calls, since 70% of contested cases settle at mediation. When she receives a notice of trial readiness, she orders full mediation (provided there is no history of family violence). If mediation impasses, then she sets a trial with a trial order that establishes cut-off dates.

Using this methodology, the average disposition time has reduced dramatically (almost by one-half) and the proportion of cases that resolve by settlement rather than by adversarial trial has increased by almost 10%. She conducts only a handful of final hearings, and a few special set evidentiary hearings (validity of pre-nuptial agreements, temporary support, etc.). Most of her time on the bench is spent conducting case management conferences, and, reportedly, job satisfaction is much greater. Anonymous questionnaires completed by attorneys and parties indicate their greater satisfaction with the process.

### **Sixteenth Judicial Circuit**

In the Lower Keys where over 60% of all cases are filed for the circuit, a case management docket has been created to monitor the progress of cases and keep them on a track leading to resolution. At the time of filing, the clerk assigns a case management conference date within thirty days, and the notice of hearing is served along with the pleadings. Case management conferences are held at thirty day intervals, and prior to each conference, the case file is reviewed by a member of the family court staff and a judicial assistant. Should pertinent information or required filings be missing, an Order to File is entered and the case manager will follow-up accordingly. Additionally, on-site mediation is offered on the days case management conferences are held, resulting in 50% of cases being resolved. Emergency hearings requests have been greatly diminished, due to the attorney's knowledge that they will be before the judge in a timely manner. Since the court began to provide this consistent oversight of all cases filed, cases are better prepared at the time of filing and progress more quickly through discovery and mandatory disclosure.

### **Seventeenth Judicial Circuit**

Circuit Judge Renee Goldenberg conducts mandatory case management conferences in dissolution of marriage cases every 90 or 120 days, depending on the stage of the divorce. Her case management order requires both counsel and parties to appear at the conference. Since instituting this practice, she has seen a 20% increase in the number of cases that are settled prior to trial.

### **Twentieth Judicial Circuit**

In Lee County, case managers conduct regular case management status conferences in domestic relations and juvenile dependency cases as part of their model family court pilot. In fact, a standing order has been entered that requires parties to dissolution or a paternity case attend a case management conference 60 days after filing. Prior to the case management conference, case managers will screen cases to ensure timely submission of paperwork and compliance with any other requirements of the case, as well as gather crossover case information which is provided to all involved judges.

***Note: See Resources Tab for sample case management orders.***



## Apply Basic Case Management Techniques Dissolution of Marriage Case Processing

### Develop a clear, written continuance policy for dissolution cases and share it with the stakeholders:

- A firm “grant continuances only under extraordinary circumstances” policy is a critical component of an effective case flow management system.
- Attorneys are less likely to prepare their cases in a timely fashion if they think that a hearing or trial is likely to be postponed. Continuing cases because of lack of preparation not only doubles the court’s workload (because a last-minute continuance leaves a block of time that as a practical matter cannot be given to another case), but it unduly prolongs the instability of the family situation and delays restructuring the family so that all family members can adjust and rebuild their lives.
- Meaningful scheduling leads to credibility of the court’s hearing dates. Granting continuances should be limited to unforeseen and exceptional circumstances that would create a hardship for one or more family members or counsel (for example, serious illness or a family emergency).

The point at which delay jeopardizes justice is destructive or dysfunctional. The point at which delay expedites justice is desirable.

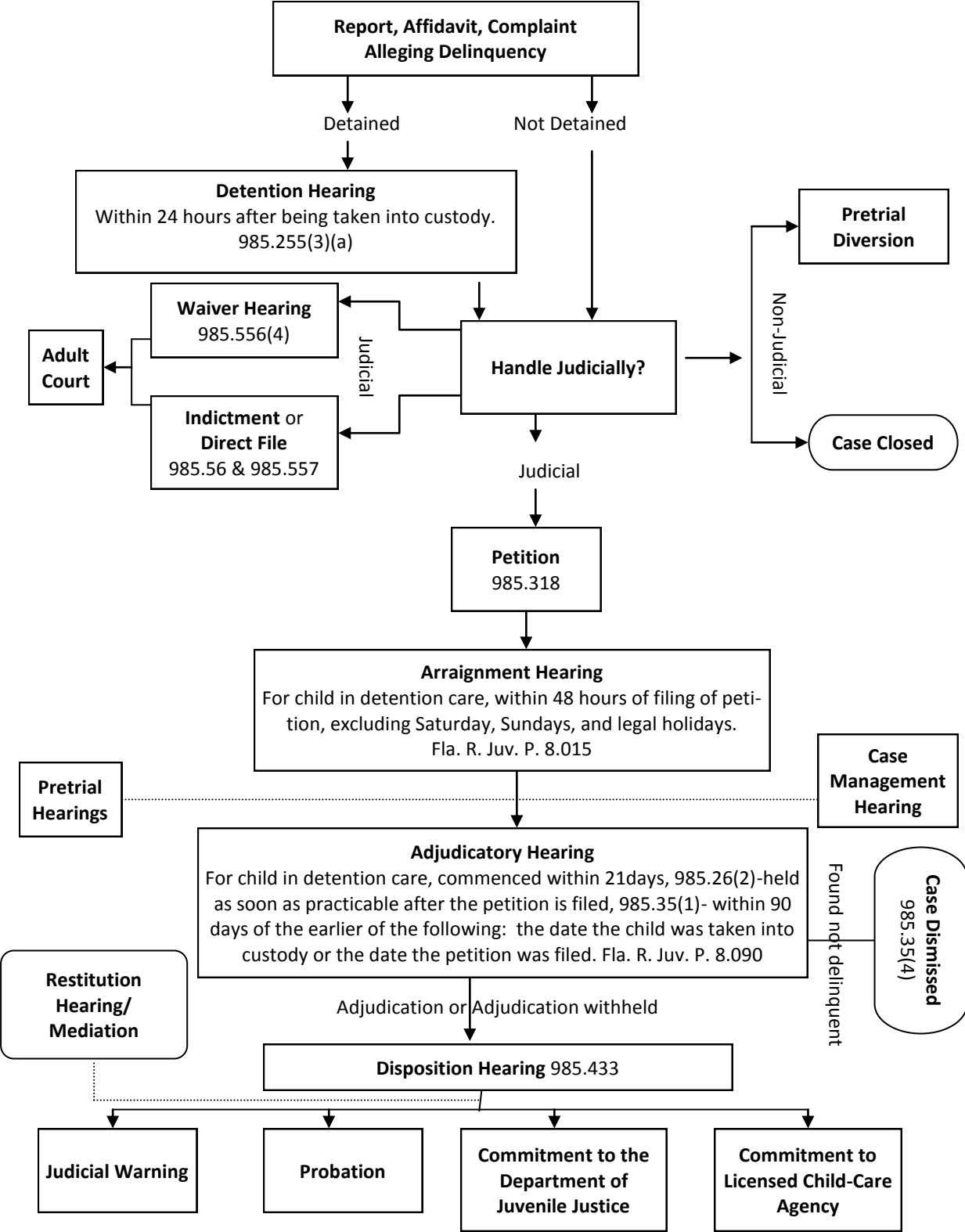
*-E. Friesen, Managing the Courts*

## **Apply Basic Case Management Techniques Dissolution of Marriage Case Processing**

**Meet with members of the family law section of the bar association to inform them of and include them in upcoming changes when considering applying new case management practices:**

- It is important to have the support and buy-in from the bar prior to implementing new practices that may affect their work.
- Members from the bar may also have valuable input regarding the development of case management techniques.

# DELINQUENCY CASE MANAGEMENT FLOWCHART





## Apply Basic Case Management Techniques Delinquency Case Processing

**Assess the status quo. For your circuit, identify the average length of time between either:**

- **the date of arrest/date of referral to the disposition; or**
- **the filing of a delinquency petition to the disposition**

Determine the circuit time frames for detained and non-detained cases, and/or non-trial and trial cases.

### 2002 OSCA Delinquency Assessment Findings<sup>4</sup> Time from Filing of Petition to Disposition

- for securely detained cases: 87 days (mean)
- for other detained cases: 131 days (mean)
- for non-detained cases: 89 days (mean)
  
- for non-trial cases: 90.4 days (mean)
- for trial cases: 142.4 days (mean)

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<sup>4</sup> For more delinquency findings, see the Delinquency Court Assessment Report located in the Juvenile Delinquency section of OCI's publications page: [http://www.flcourts.org/gen\\_public/family/publications.shtml](http://www.flcourts.org/gen_public/family/publications.shtml)

## **Second, Ninth, Eleventh, Twelfth, Thirteenth, Nineteenth and Twentieth Judicial Circuits**

The Office of Court Improvement (OCI), Office of the State Courts Administrator, has data regarding the average length of time from the filing of a delinquency petition to the disposition in these circuits. The data was collected for the recently published delinquency assessment taken from cases that had petitions filed within the first six months of 2000. These circuits may contact the OCI at 850-414-1507 to discuss the findings. Other circuits may gather this information by conducting a quick assessment of randomly selected files or by querying the clerk's office, which may have automated access to this information.

## Apply Basic Case Management Techniques Delinquency Case Processing

### Develop strategies to reduce delinquency case processing time and set ambitious, yet realistic, standards for the circuit:

- Usually, there are specific points in case processing where delays occur.
- National standards recommend 90 days from petition to disposition as the maximum time frame. The Rules of Judicial Administration state that most cases should be completed within the following time periods:
  - Adjudicatory hearing - 90 days (filing of petition or child being taken into custody to hearing)
  - Adjudicatory hearing (child detained) - 21 days (date of detention to hearing)
- Research suggests that the swifter the consequences, the better the outcome.

Since adolescents experience the passage of time differently than adults, the connection between a sanction and a wrongdoing quickly fades for a juvenile as the time between the two increases . . . any lesson that might be learned about accountability and responsibility is lost.

D. Alan Henry, "Reducing Unnecessary Delay: Innovations in Case Processing," Pathways to Juvenile Detention Reform #5, The Annie E. Casey Foundation (1999), p. 11-12.

- Consider having legal counsel available or appointing counsel to the juvenile prior to the arraignment hearing.

One of the more vexing problems that can decrease efficiency is the untimely assignment of defense counsel. In too many instances defense is appointed literally at the initial hearing itself. When this happens defense lawyers cannot argue effectively whether the juvenile can be safely released pending disposition, or rationally discuss any plea offer that the government might make. As a result, cases must be continued, sometimes for weeks.

- D. Alan Henry, "Reducing Unnecessary Delay: Innovations in Case Processing," Pathways to Juvenile Detention Reform #5, The Annie E. Casey Foundation (1999), p. 20.

## **Ninth Judicial Circuit**

One strategy used in Osceola County for certain delinquency cases is to proceed with the disposition at the same time the juvenile enters a plea. Typically this occurs at a pre-trial hearing in which the juvenile pleads to the charge. In order to make the disposition at the pre-trial hearing, all relevant information, such as the youth's psycho-social history, must be available to the judge. In certain misdemeanor cases where the juvenile has been detained, it is sometimes possible to proceed to disposition at the same time as the plea, using information from the detention risk assessment instrument rather than delaying the case for a predisposition report. This strategy is not applied to all cases, but can help reduce case processing time in certain situations by eliminating the need for an additional hearing to dispose of the case.

## Apply Basic Case Management Techniques Delinquency Case Processing

### **Develop a clear, written continuance policy for delinquency cases and share it with the stakeholders:**

- Act consistently with the established policy.
- Consider the impact on the child and the alleged victim when reviewing and scheduling continuances. The quicker the case is resolved, the better for all the affected parties.

The point at which delay jeopardizes justice is destructive or dysfunctional. The point at which delay expedites justice is desirable.

**- E. Friesen, *Managing the Courts***

### **Eleventh Judicial Circuit**

The juvenile delinquency division in this circuit has developed a written policy that addresses continuances for both misdemeanor and felony cases. For misdemeanor cases, no continuances are granted once a trial date is set, except for life-threatening emergencies. A similar presumption against continuances is made for felony cases, except for good cause shown upon written motion and except for life-threatening emergencies. The continuance policy also lists examples that are not considered “good cause” for a continuance.

### **Thirteenth Judicial Circuit**

This circuit addresses continuances in an Administrative Order for Juvenile Delinquency Procedures and discusses whether a continuance will be granted for failure to complete discovery and for witnesses not served with a subpoena.

## Apply Basic Case Management Techniques Delinquency Case Processing

### Use the detention hearing to its fullest potential:

- The legal purposes of the detention hearing are two-fold: 1) to determine the existence of probable cause; and 2) to determine the need for continued detention.
- However, the hearing can also be used to obtain additional information that will prove invaluable in moving the case along more efficiently at later stages:
  - identify all persons present who come to court with the youth and note their relationship to the youth
  - ensure the youth understands what waiving his/her right to counsel means and what an attorney could do for him/her
  - determine whether the youth has multiple pending petitions or other court actions by reviewing the “face sheet” or looking at CJNET, asking the youth, or asking the clerk
  - determine, if possible, the youth’s attendance/performance at school, if unrelated to the pending charges
  - consider what immediate evaluations or services can begin (for example, consider ordering urinalysis, pregnancy testing, etc.)
  - confirm the youth’s mailing and physical addresses
  - address cost of care
  - determine whether the youth has any dependency issues (particularly in domestic violence cases)



## Apply Basic Case Management Techniques Delinquency Case Processing

### **If detention hearings are currently scheduled early in the morning, consider holding them later in the day:**

- According to preliminary data from the Department of Juvenile Justice's Bureau of Data and Research, approximately 61% of the youth who entered secure detention during fiscal year 2001-2002 arrived between 3:00 p.m. and 3:00 a.m. The number of arrivals at detention starts to increase after 3:00 p.m., spikes between 4:30 p.m. and 4:39 p.m., begins to decline again and then spikes again between 11:30 p.m. and 11:59 p.m.
- Although the 24-hour clock for a detention hearing begins ticking at the time the youth is taken into custody, this data implies that the majority of youth are likely to be arrested in the afternoon, evening and night. Therefore, the public defender, the state attorney and the stakeholders have very little time to gather important information about these youth prior to a detention hearing that is held first thing in the morning. It is anticipated that holding these hearings later in the day would enable the stakeholders to provide more information to the judge, which will enhance judicial decision making and facilitate case processing.

**Eleventh Judicial Circuit**

This circuit schedules detention hearings at 1:30 p.m.

**Ninth Judicial Circuit**

Orange County conducts detention hearings at 1:30 p.m., with the exception of youth who are detained on orders to take into custody. These youth appear at 8:30 a.m. by the same judge who is assigned to the youth's original case (for consistency in case handling).

## Apply Basic Case Management Techniques Delinquency Case Processing

### **Request access to the Florida Department of Law Enforcement's CJNET for information in the Juvenile Justice Information System (JJIS):**

- The following information can be found on CJNET: youth “face sheets” and detention facilities/commitment program locations. This information may be useful if “face sheets” are not routinely provided at detention and disposition hearings.
- To get a copy of the CJNET application, follow these steps:
  1. Go to [www.flcjin.net](http://www.flcjin.net).
  2. Within the “Corrections Links” box, click on the link entitled “Juvenile Justice Information Systems” and the JJIS login screen will appear.
  3. Click on “Need a Login.”
  4. Read the instructions, download/print the form and fill it out completely. Fax to number shown.
  5. Applicant should be able to gain access within 48 hours or less.

### **Fourth Judicial Circuit**

This circuit accesses CJNET, which reportedly has been helpful for the juvenile delinquency court.

## Apply Basic Case Management Techniques Delinquency Case Processing

### Address case processing issues by institutionalizing “brown bag” working lunches with delinquency stakeholders:

- Conduct the “brown bag” lunches quarterly, at a minimum.
- Ensure that all judges and court staff who handle delinquency cases are involved.

Be committed to holding the lunches. Turnover rate among delinquency court staff, judges and stakeholders can be high. It is important to make new players aware of the court’s commitment to effective and timely case processing. Additionally, it is critical that all stakeholders periodically processing and address any problems.

- Consider inviting line staff probation officers, in addition to the managers, to some of the meetings.

#### **Sample agenda items:**

- Methods to involve parents.
- Ways to improve victim notification or convene to evaluate case improve opportunity for victim input.
- Ways to reduce the delay between arrest and arraignment.

### **Ninth Judicial Circuit**

Osceola County has institutionalized a standing “brown bag” luncheon for delinquency judges and stakeholders to address any issues with delinquency case management. The lunches are consistently held on the same afternoon and at the same time every other month so that the judges and interested participants can schedule their calendars and dockets with the assurance the “brown bags” will occur. This consistency is important because it encourages more participation and attendance. The lunches are a cost-effective method of addressing any case management issues by promoting a forum for regular dialogue between judges and delinquency stakeholders.

### **Twelfth Judicial Circuit**

Circuit Judge Robert McDonald in Sarasota County holds regular meetings with delinquency stakeholders to discuss and resolve case processing and other issues. These meetings, held every other month, promote communication among delinquency court and agency partners. Between the scheduled meetings, representatives from the various stakeholder groups are given the opportunity to submit issues for inclusion on the upcoming meeting agenda. After the meetings, the judge dictates a summary of the content of the meeting, highlighting each issue discussed and proposed resolutions. The summary is distributed to all meeting participants. The summary contains the date and time of the next meeting. These meetings have become an institutionalized practice in the delinquency division.

## Apply Basic Case Management Techniques Delinquency Case Processing

### Set the date for the subsequent hearing during the present hearing and provide written notice of the date to all parties during the hearing:

- When a youth fails to appear at a hearing, the court calendar is quickly disrupted and the disposition of the case is prolonged.

#### FTA = 30.9 day increase

Data from the Delinquency Assessment<sup>5</sup> show that each failure to appear increased the time frame from petition to disposition by 30.9 days. Of the first recorded failures to appear in the reviewed cases, 56.2% were at arraignment.

- At the present hearing:
  - Confirm the accuracy of mailing and physical addresses (every time they appear).
  - Confirm the name and relation of the adult with whom the youth resides and confirm the name and relation of the legal custodian.
  - Provide written notice of the date to all parties during the hearing.
- Set up a system to send reminders to the youth's residence, if possible.

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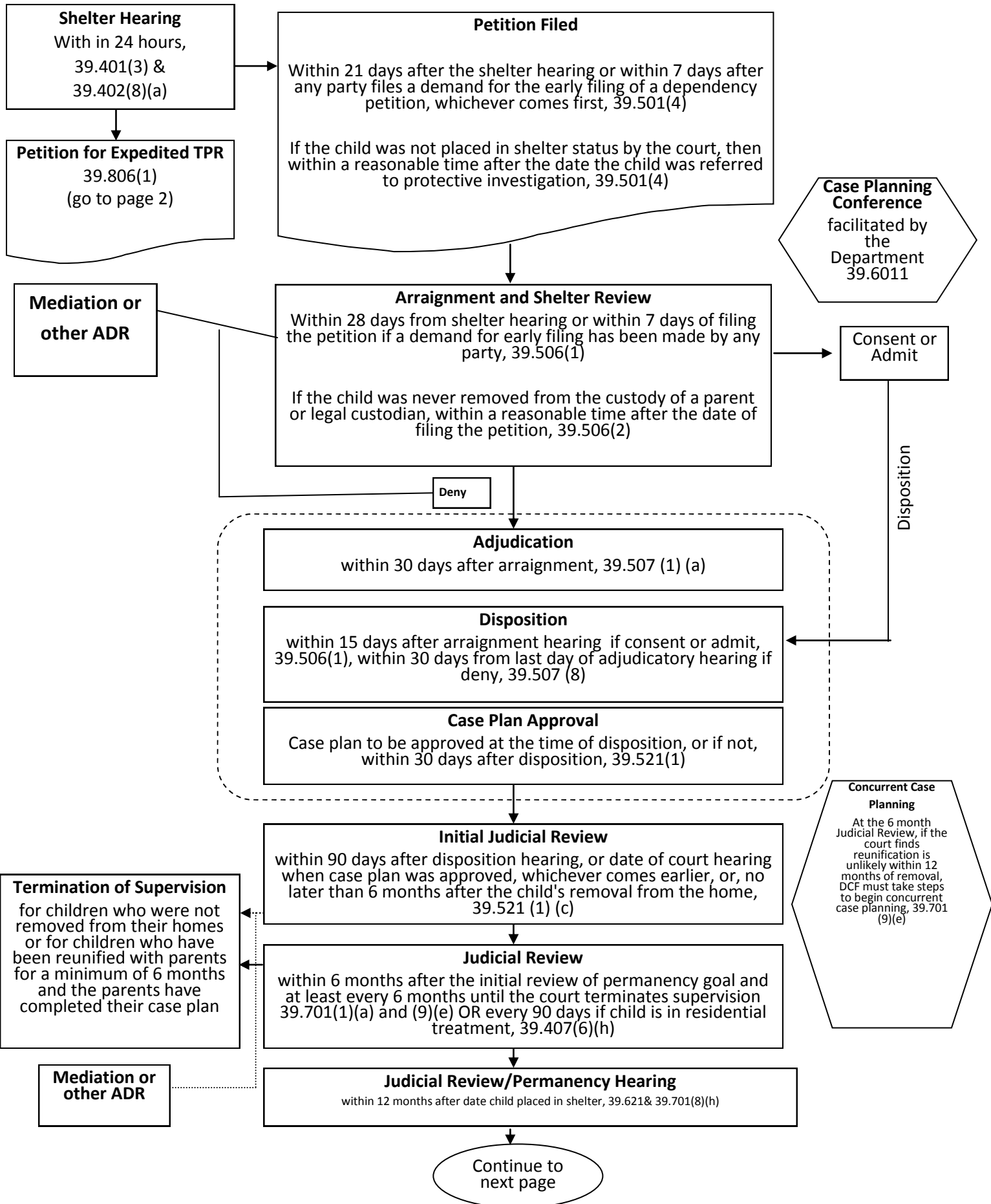
<sup>5</sup> For more delinquency findings, see the Delinquency Court Assessment Report located in the Juvenile Delinquency section of OCI's publications page: [http://www.flcourts.org/gen\\_public/family/publications.shtml](http://www.flcourts.org/gen_public/family/publications.shtml)

- Set status hearings when no other statutory hearings are scheduled or warranted.

### **Ninth Judicial Circuit**

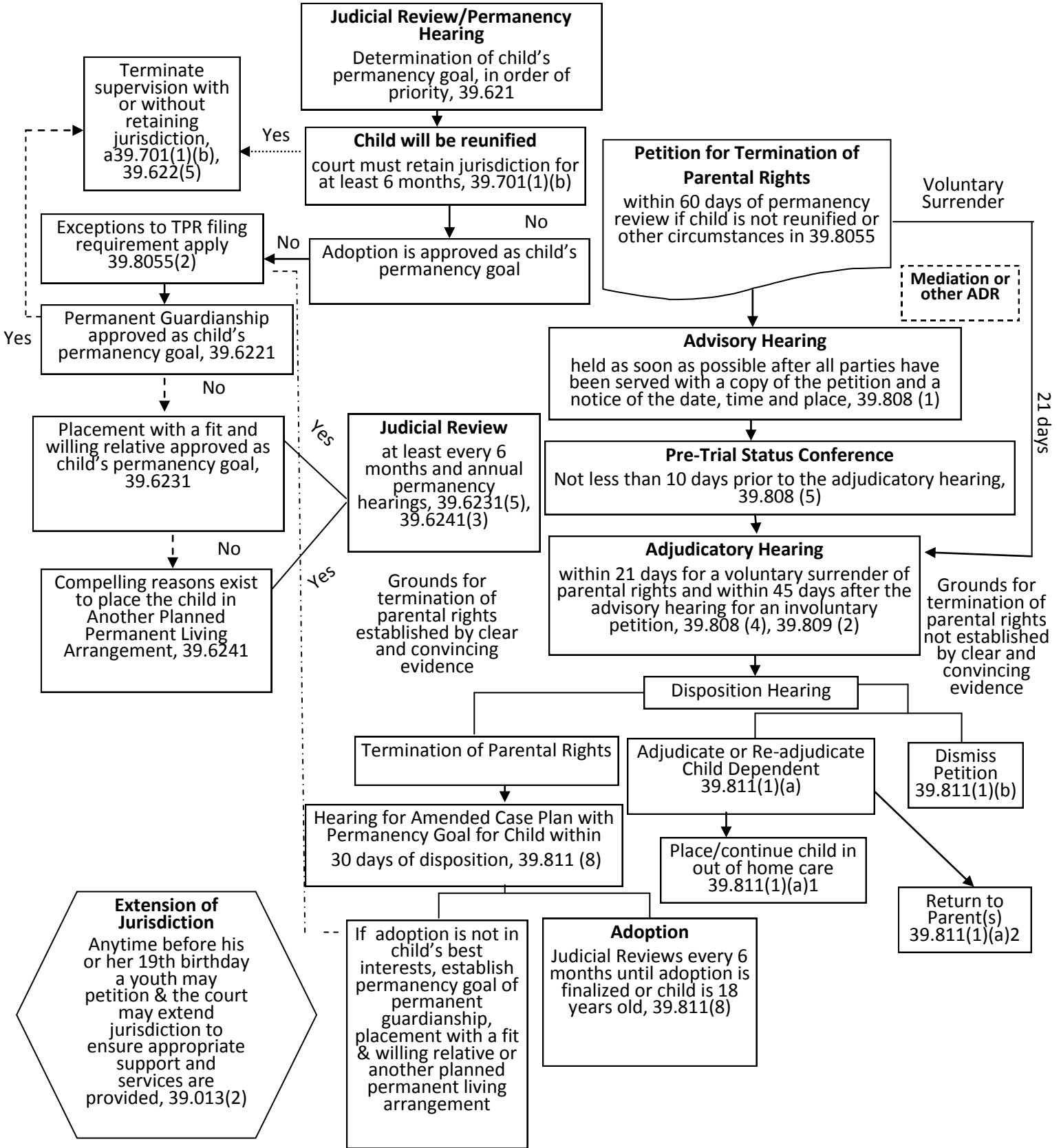
In Osceola County, if there are no other statutory hearings required and the case remains open, a status hearing is scheduled. This case management technique enables the judge to actively monitor the case to receive necessary information that will move the case to a quicker resolution. For example, if the judge is waiting for the results of a psychological evaluation before making a disposition and knows the information will be available in two weeks, a status hearing is set for two weeks, instead of waiting to be notified the evaluation is completed and then setting a hearing. If the judge knows a youth will complete a diversion program in thirty days, a status hearing can be scheduled for that time to evaluate the youth's progress and to close the case at that time, if warranted.

# DEPENDENCY CASE MANAGEMENT FLOWCHART



# DEPENDENCY CASE MANAGEMENT FLOWCHART

(Continued)



## Apply Basic Case Management Techniques Dependency Case Processing

### Use the shelter and dependency arraignment hearings to their fullest potential:

Obtaining all of the pertinent information during these hearings may help prevent future hearings and may move the case along more efficiently at later stages:

- Establish frequency and parameters of visitation
- Explore relative placements
- Address diligent search if there is a missing parent, determine the status of any non-custodial parent and identify any paternity issues to resolve
- At each proceeding, notify the parents of the right to have counsel present
- Schedule subsequent hearings in advance and in accordance with federal and state mandates and provide written notice of the next hearing (make sure that parties not present at the hearing are noticed) See §39.502 (18) (requiring written notice containing the date of the next scheduled hearing be provided at the conclusion of any hearing.)
- Schedule the time, date, location of the case planning conference during the arraignment conference
- Set mediation, if appropriate, and provide notice
- Determine whether the case is potentially an interstate compact case
- Identify child support issues
- Determine if the child has already been adjudicated dependent somewhere else or if there are other court actions involving the family

#### Observation of shelter hearings for the 1997 Dependency Assessment<sup>6</sup> showed:

- relative placements were not explored in 50% of the hearings
- visitation was not addressed in 64% of the hearings
- in 70% of the hearings, the court did not address a search for a missing parent

<sup>6</sup> For more delinquency findings, see the Dependency Court Reassessment report located in the Dependency section of OCI's publications page: [http://www.flcourts.org/gen\\_public/family/publications.shtml](http://www.flcourts.org/gen_public/family/publications.shtml)

### **Third Judicial Circuit**

In this circuit, Case Plan Conferences are scheduled in conjunction with arraignment dates. By establishing this procedure, all parties know to be prepared to set time aside on the arraignment date to allow for development of the case plan.

### **Fourth Judicial Circuit**

This circuit has developed a manual for diligent search procedures. Also, visitation plans are set at shelter hearings and a visit between children and parents occurs within 72 hours of the proceedings, as required by law.

The Fourth Circuit has also created a child support order form which is done at shelter (or disposition) and distributed to the parties. This eliminates the necessity of referring clients to the Department of Revenue and allows for better monitoring of payments.

### **Fifth Judicial Circuit**

After meetings with representatives from the Department of Revenue and the Department of Children and Families, this circuit's child support workgroup created a new procedure to assess child support in dependency court. The procedure was implemented by administrative order and form orders were developed. The basic procedure is as follows:

The general master or judge enters a separate child support order in a dependency action. The order sets forth the pertinent information while protecting the confidentiality concerns of the children and parties. The payee or the Department of Revenue, as the state agency charged with the enforcement of child support orders, can then use the order to file a separate petition in family law court to enforce or modify the child support order. This allows the child support obligation to continue once the dependency action is closed.

### **Eighteenth Judicial Circuit**

Parents, temporary custodians, and others with knowledge of the child are provided a pre-shelter briefing to prepare them for the shelter hearing. A representative from the local visitation program is on-site to assist in arranging immediate visitation. In addition, the circuit has developed a colloquy and checklist for the judges to use during shelter proceedings.

## Apply Basic Case Management Techniques Dependency Case Processing

### Conduct regular meetings with key dependency stakeholders:

- Consider using the circuit dependency liaisons to coordinate the meetings or assist with the meetings.
- Conduct the meetings quarterly, at a minimum.
- Ensure that all judges and general masters who handle dependency cases are involved.
- Be committed to holding the meetings. Turnover rate among dependency judges, court staff and stakeholders can be high. It is important to make new players aware of the court culture.
- Invite case workers to the meetings, in addition to managers. Consider conducting periodic morale-building meetings for the workers.

### Sample agenda issues for meetings:

- processes to ensure timely notification of hearings for absent parents, foster parents, relative and non-relative caregivers, pre-adoptive parents and other substitute caregivers involved with the child
- ways to encourage caregivers' participation in court processes
- ways to ensure that visitation is addressed and that visitation plans are designed to foster healthy parent-child relationships
- permanency issues for teens, including how they might participate in decision making regarding permanency and issues associated with exiting the foster care system

## **Twelfth Judicial Circuit**

Circuit Judge Robert McDonald in Sarasota County holds regular meetings with dependency stakeholders to discuss and resolve case processing and other issues. These meetings, held every other month, promote communication among the dependency court and agency partners. Between the scheduled meetings, representatives from the various stakeholder groups are given the opportunity to submit issues for inclusion on the upcoming meetings agenda. After the meetings, the judge dictates a summary of the content of the meeting, highlighting each issue discussed and the resolutions. The summary is distributed to all meeting participants. The summary contains the date and time of the next meeting. These meetings have become an institutionalized practice in the dependency division.

## Apply Basic Case Management Techniques Dependency Case Processing

### **Use simple tools to track mandatory time frames in dependency cases:**

- Using a flow chart or similar document, fill in the mandatory dates for case processing. Maintain a copy in the court file and provide copies to all parties. (See following page for a sample form.)
- Schedule all the hearings for the case during the shelter hearing.

## **Tenth Judicial Circuit**

This circuit starts setting hearing dates at shelter, with their daily calendar which identifies: the 21 day date when the dependency petition is due; the 28<sup>th</sup> day for arraignment; and the first judicial review date (within six months of shelter). These dates are all given out on the first “snap-out” which is their court memo from shelter. Any time the parties appear in court, the next dates are given to them. If the first judicial review date has been set later than 90 days from disposition, the court case manager moves the judicial review date up to within 90 days of disposition and cancels the later date which was given out at shelter. This occurs in court at the disposition, so everyone is given the new date.

## Apply Basic Case Management Techniques Dependency Case Processing

### Develop a clear, written continuance policy for dependency cases and share it with the stakeholders:

- Establish a presumption against continuances. See § 39.0136 (establishing restrictions on continuances).
- Consider never granting continuances on the day of trial.
- Findings from the Dependency Assessment\* show that cases with a continuance take six weeks longer, on average, to be disposed, which would make the court noncompliant with the Adoptions and Safe Families Act (and could ultimately affect federal funding).

Case Descriptive <sup>7</sup>	Percentage
Cases with at least one documented continuance	57%
Cases without continuances	43%
Cases with at least one continuance between the disposition and the hearing on the case plan	30%
Cases without continuances	70%

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<sup>7</sup> For more delinquency findings, see the Dependency Court Reassessment report located in the Dependency section of OCI's publications page: [http://www.flcourts.org/gen\\_public/family/publications.shtml](http://www.flcourts.org/gen_public/family/publications.shtml)

### **Eighth Judicial Circuit**

In Alachua County, Circuit Judge Robert Roundtree asks that all motions for continuances be documented by the case manager, including which party requested the continuance and the reason for the continuance. He did this to determine if the case was going over the mandated 60 days of continuance. He has found that, since it was known that this was being tracked, it has helped to dissuade some requests for continuances, keeping the cases moving forward.

### **Thirteenth Judicial Circuit**

This circuit addresses continuances in the Administrative Order for Juvenile Dependency Procedures. The section related to continuances calls attention to the Florida Rules of Juvenile Procedure and the Florida Rules of Judicial Administration regarding this matter. It further specifies a continuance policy regarding whether a continuance will be granted for failure to complete discovery and for witnesses not served with a subpoena.

## Apply Basic Case Management Techniques Dependency Case Processing

### **Prepare and distribute orders at the hearing, when possible:**

If a party is ordered to prepare the order after the hearing, set a due date and track for compliance (for instance, the judge may ask the guardian ad litem to track the preparation of the order for timeliness).

**Third Judicial Circuit**

Several counties in this circuit have institutionalized a method of scheduling case plan conferences at arraignment.

**Fourth Judicial Circuit**

A proposed court order that is partially completed before court hearings has been designed to expedite court order processing. The forms are completed during hearings, prepared for and signed by the judge and distributed to all parties before they leave the courtroom.

**Twelfth Judicial Circuit**

Court orders are completed at hearings and distributed to parties on-site due to the ready availability of computers and printers in the court rooms.

**Fifteenth Judicial Circuit**

Shelter hearing times were changed from 9:00 a.m. to 1:30 p.m. to give parents and other relatives time to make arrangements to attend these proceedings. Case plan staffing dates are set at shelter.

## Apply Basic Case Management Techniques Domestic Violence Case Processing

### **Ensure that intake services are provided for domestic violence cases:**

Litigants should be provided:

- Florida Supreme Court promulgated forms
- assistance in completing forms, including interpreter services
- information to petitioners regarding domestic violence services and resources, including certified domestic violence centers

## **Sixth Judicial Circuit**

In Pinellas County, once an individual informs the clerk's staff that she/he is requesting an injunction, that individual is escorted into the secure office area where there is a domestic violence room for injunction petitioners to complete their paperwork in a secure, quiet environment. The domestic violence room contains a permanent desk/workstation for the deputy clerk in that area, a desk for the Domestic Violence Center advocate, who is on site most of the time, and a table and chairs for petitioners to use. Additionally, the room contains toys and a play area for the children of petitioners. The room is not visible from the public counter area and is accessible only through the clerk's secure office area.

## Apply Basic Case Management Techniques Domestic Violence Case Processing

### Develop strategies and practices to ensure that there is an immediate ruling on the petition:

- Initial orders should be issued the same day as the petition is filed.
- Consider scheduling a meeting with judges, court staff and stakeholders to review current procedures and brainstorm possible improvements.
- Develop written protocol for case processing of petitions to include:
  - assignment and availability of judges, including after-hours procedures
  - designation of the individual who will deliver the completed petition and supporting information to the judge and how it will be delivered
  - provision of information to judges on criminal histories and related cases
- procedures for delivering the completed order or injunction to the clerk or, after hours, to the designated agency
- The timeliness of the court's actions in domestic violence cases is critical due to the potential danger to petitioners and their children.

Data from the domestic violence assessment<sup>8</sup> show that the majority of reviewed cases contained initial orders that were signed the same day as the filing of the petition.

However, in 10.5% of the reviewed cases, the initial order was not signed the same day. In these cases, the average time lapsed between filing of the petition and signing the initial order was 3.7 days.

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<sup>8</sup> For more findings, see Resources Tab or the Domestic Violence Court Assessment Report at [http://www.flcourts.org/gen\\_public/family/publications.shtml](http://www.flcourts.org/gen_public/family/publications.shtml) under the Domestic Violence section.



## Apply Basic Case Management Techniques Domestic Violence Case Processing

### **Issue the appropriate order the same day as the hearing at which the court considers the final injunction:**

- When the court has ruled on the petition, all relevant sections of the order should be completed and the order should be signed at the conclusion of the hearing.
- Provide copies (certified as required by law) to petitioner and respondent immediately upon conclusion of hearing, or to the sheriff's office for service on absent respondents, as required by Rule 12.610.
- Consider having parties sign, in court, an acknowledgment of receipt of the final judgment and provide their current mailing address.
- Consider issuing, simultaneously with the final judgment, an order to appear which requires that the respondent either:
  1. file proof of compliance with the court order (for example, batterers intervention program, substance abuse counseling, firearms surrender, child support); or
  2. appear and show cause.

## **Eleventh Judicial Circuit**

In Dade County, the orders are prepared by one of the domestic violence division's court coordinators. At the conclusion of the hearing, the judge completes and signs the appropriate order, and the deputy clerk certifies the order, makes copies, provides copies to litigants present at the hearing, and arranges for law enforcement service on respondents not present.

## **Apply Basic Case Management Techniques Domestic Violence Case Processing**

### **Meet with stakeholders to develop written protocol for execution of the order:**

- Written protocol should address:
- the transfer of possession of children, home and property
- surrender of firearms
- service by law enforcement agencies other than sheriff offices



## Apply Basic Case Management Techniques Domestic Violence Case Processing

### Establish mechanism to enforce compliance:

- Upon request, provide forms to petitioner for reporting alleged violations.
- Establish procedures for tracking compliance with treatment and firearms provisions.
- Establish mechanisms for prompt judicial review of alleged violations or non-compliance.
- Issue enforcement orders when appropriate.
- Schedule and conduct timely hearings on any motions for enforcement or enforcement orders which require appearance of a party.
- Provide programs (those programs in which the respondent is ordered to participate) with a copy of the court order.
- Consider issuing, simultaneously with the final judgment, an order to appear which requires that the respondent either: 1) file proof of compliance with the court order (for example, batterers' intervention program, substance abuse counseling, firearms surrender, child support); or 2) appear and show cause.

#### Domestic Violence Court Assessment Findings<sup>9</sup> Compliance with Treatment and Firearms Surrender Provisions

- Compliance with required batterers' intervention program (BIP) attendance was documented in 43 cases (29% of the 151 cases ordering BIP).
- Non-compliance with the BIP was documented in 12 cases (8% of the cases ordering BIP).
- In 95 cases, there was no documentation of follow-up regarding compliance with BIP requirements (63% of cases ordering BIP).
- Surrender of firearms was documented in 37 cases (13% of the 285 cases ordering surrenders).

<sup>9</sup> For more findings, see Resources Tab or the Domestic Violence Court Assessment Report at [http://www.flcourts.org/gen\\_public/family/publications.shtml](http://www.flcourts.org/gen_public/family/publications.shtml) under the Domestic Violence section.

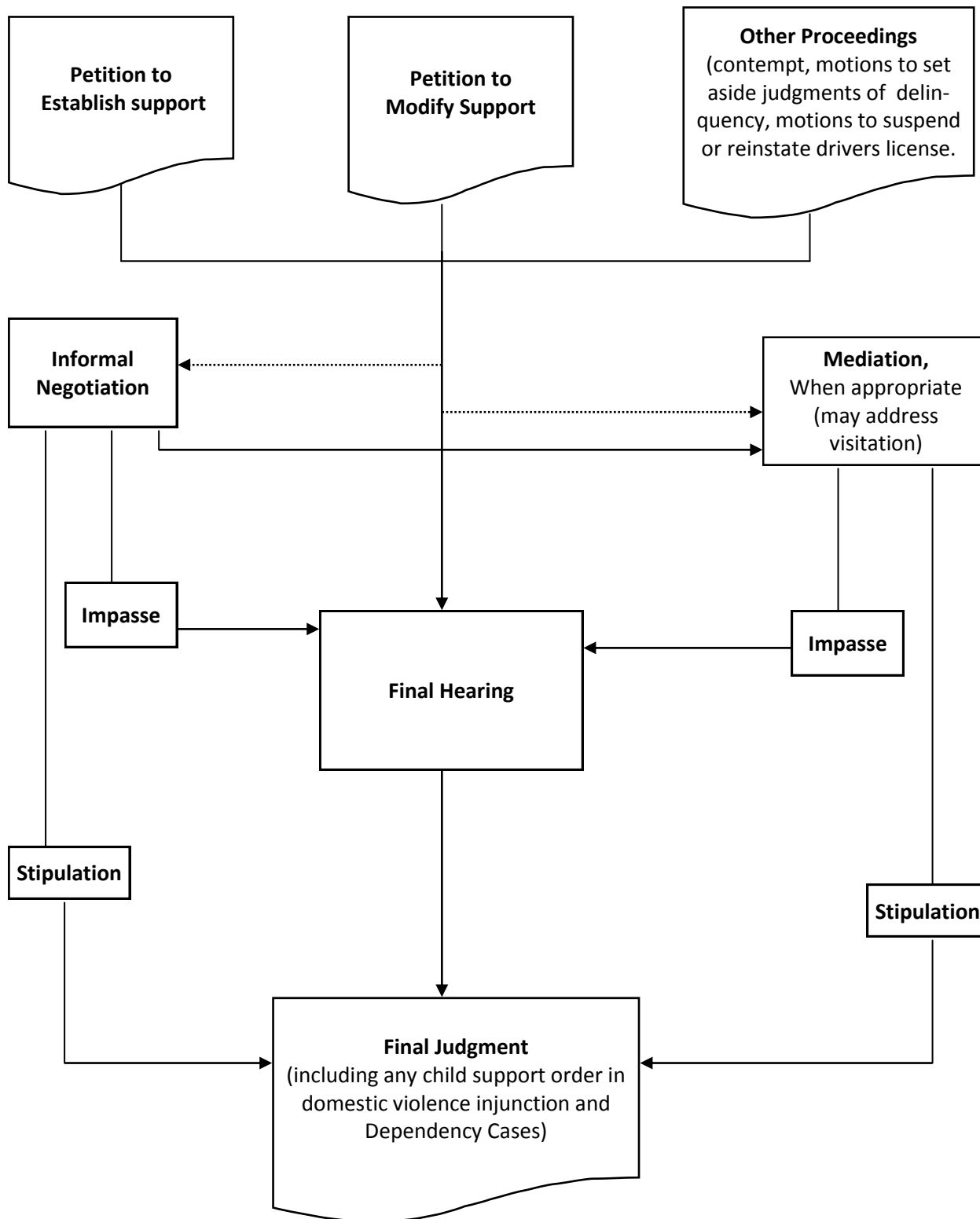
### **First Judicial Circuit**

In Santa Rosa County, sheriff's deputies document firearms/ammunition status on the notices of service of injunctions against the respondents. When an injunction ordering surrender is served on the respondent, the deputy either documents the respondent's surrender of firearms/ammunition or has the respondent sign a sworn statement (printed on the notice of service) attesting that he/she does not own or possess firearms or ammunition.

### **Twentieth Judicial Circuit**

In Lee County, the CJIS system captures the conditions of each injunction issued and enables the court's case management staff to run automated reports on each case. Treatment providers are responsible for providing to the courts information on compliance with treatment provisions, and the sheriff's office provides information on surrender of firearms. The case managers collect these responses regarding compliance and bring any violations to the attention of the judge. Affidavits alleging violations are filed by petitioners with the court's domestic violence division, which immediately forwards a copy of the affidavit to the state attorney's office to determine whether the state attorney will file criminal charges. The case managers also review the affidavit and if instructed by the court, set it for an Order to Show Cause hearing on a specialized violation docket. If the state attorney's office files criminal charges, the judge will dismiss the Order to Show Cause and defer to the criminal case. If the violation is not pursued criminally, the indirect criminal contempt process has been initiated without delay.

# CHILD SUPPORT CASE MANAGEMENT FLOWCHART





## Apply Basic Case Management Techniques Child Support Case Processing

### **Issue an order on the outcome of every scheduled child support hearing, including continuances and resets requested and granted by the court:**

- This practice establishes a record of the case process and identifies possible patterns of delay.
- Specify in the order the reason the case is being continued or reset. Consider developing a list of standard reasons. This may assist in identifying patterns of delay that stakeholders can work to overcome.
- Ensure that the order includes any necessary information parties need to bring with them to the future hearing.

## Apply Basic Case Management Techniques Child Support Case Processing

### Prepare and sign all support orders (including recommended and final orders) in court on the day of the hearing:

- Findings from the Court Child Support Process Improvement Project\* suggest that counties that prepare and have orders signed the day of the hearing have a lower overall time frame for the entire order establishment process.
- Whether a judge, general master or hearing officer hears the case, the goal should be to minimize the time frame between the hearing and the final order. Data from the Court Child Support Process Improvement Project\* show that, on average, it takes two weeks from the hearing until the final order is signed:

#### **For cases presided over by a judge:**

From disposition to judge's signature on final order = average 14 days

#### **For cases presided over by a general master/hearing officer:**

From disposition to recommended order signed = average 10 days

From recommended order to judge's signature on final order = average 5 days

- If possible, have a computer available in the courtroom to prepare orders during the hearing. Or, use NCR forms (carbon copy forms) to prepare orders.
- Establish and enforce time frames for parties to have orders prepared and submitted to the judge for signature. <sup>10</sup>

<sup>10</sup> For more findings, see Resources Tab or the Court Child Support Process Improvement Project report at: <http://www.myflorida.com/dor/childsupport/courtproject.pdf>

## Apply Basic Case Management Techniques Child Support Case Processing

### **During every child support hearing, reconfirm the mailing address and employer's addresses for the non-custodial parent:**

- The addresses may change frequently and lack of service or failure to appear for hearings will slow down case processing.
- Implement, as standard practice, a requirement that the attorneys reconfirm this information during the time of the hearing.
- Consider developing a simple checklist that includes items that should be reconfirmed or stated for the record.
- Ensure that the noncustodial parent understands that he/she is responsible for reporting any address or employer change to the clerk and understands the possible consequences for failing to do so.
- Develop protocol to review other divisions to learn of current addresses, including the criminal division.

## Apply Basic Case Management Techniques Child Support Case Processing

### Address case processing issues by institutionalizing meetings with child support stakeholders:

- The overall processing time for child support establishment in Title IV-D cases is critical. This is a factor that affects one of several performance measures that is reported to the federal government and ultimately affects federal funding of the Florida Child Support Program.
- Conduct the meetings quarterly, at a minimum. Prior to initiating this practice determine whether other meetings with the same stakeholders are already held. If so, consider expanding these meetings and combine agendas.
- Ensure that all judges and hearing officers who handle child support cases be involved. Include legal service providers, Department of Revenue staff, local sheriff staff/process servers, clerks, court administration and local social service providers. Consider having participates call- in on speaker phone when unable to physically appear.
- Be committed to holding the meetings.

#### **Sample agenda issues for meeting discussion:**

- Collection of genetic (DNA) samples for paternity establishment at the courthouse on the day hearings take place or during pre-hearing settlement conferences.
- Preparation and distribution of periodic listings of cases when the respondent did not file an answer and default should be filed to ensure prompt scheduling of the court hearing.
- How to expedite the transfer of child support orders in dependency cases when custody is modified.
- Timely service.
- Preparation of court orders.
- Methods for cross-referencing addresses with other divisions.

## Apply Basic Case Management Techniques Child Support Case Processing

### Address parenting time issues by referring parties to services:

- Recommend that the parties voluntarily attend mediation.
  - Because Title IV-D hearing officers are not permitted to resolve parenting time issues, it is important to refer the parties to mediation for these issues, if they are willing. This should occur regardless of whether formal pleadings have been filed regarding visitation. Prolonged unresolved conflict between the parties over these issues is not only harmful to the children involved but may prolong case processing. This can result in fewer support payments and require parents to appear before court at a later date with unresolved issues.
  - Ideally, mediators should be on-site at the courthouse and available on days that child support hearings are held.
  - Ideally, notices advising of the opportunity to mediate should be included in the initial packet served to the parents.
  - Due to the number of parents who reside out-of-state, they should be offered the option to participate in mediation telephonically.
- Suggest that the parties visit the local self-help center to obtain the proper family law forms for establishing visitation.

## Apply Basic Case Management Techniques Child Support Case Processing

### **Be aware of the various ways in which paternity can be established in child support cases:**

- In-hospital Paternity Acknowledgment Program: This is an administrative paternity establishment method where the parents sign an acknowledgment of paternity in the hospital. The acknowledgment is included on the birth certificate and is the Department of Health's Form Number 511.
- Post-hospital Paternity Acknowledgment Program: An administrative paternity establishment method where the parents sign a consenting affidavit acknowledging paternity. The consenting affidavit is the Department of Health's Form Number 432. These forms are available to parent at county health departments, the Department of Children and Families and the Department of Revenue.
- Paternity establishment through marriage by the parents after the birth of the child.
- Paternity may have previously been established in a dependency case.
- Be aware that paternity may already be established in another circuit.

# Circuit Action Plan Worksheet

## CASE PROCESSING FOR DISSOLUTION, DELINQUENCY, DEPENDENCY, DOMESTIC VIOLENCE, AND CHILD SUPPORT

**Objective:**

This worksheet can assist your circuit with outlining the steps necessary to achieve the suggested practices provided in this chapter of the Tool Kit.

Practice	√ We already do this	√ Seems like a good idea – let’s try it!	√ We tried and accomplished
<b>DISSOLUTION OF MARRIAGE</b>			
Ensure that intake services are provided			
Use differentiated case management			
Conduct case management conference			
Develop a clear, written continuance policy			
Meet with members of the family law section of The Florida Bar.			
<b>DELINQUENCY</b>			
Assess the status quo for average length of time to process a case			
Develop strategies to reduce case processing time			
Develop a clear, written continuance policy			
Use the detention hearing to its fullest potential			
Consider holding detention hearings later in the day			
Request access to CJNET			
Hold “brownbag” lunches with stakeholders			
Set the date for the subsequent hearing during the present hearing and provide written notice to parties			
<b>DEPENDENCY</b>			
Use shelter and arraignment hearing to the fullest potential			
Conduct regular meetings with key stakeholders			
Use simple tools to track mandatory time frames			
Develop a clear, written continuance policy			
Prepare and distribute orders at the hearing			
<b>DOMESTIC VIOLENCE</b>			
Ensure that intake services are provided			

Practice	√ We already do this	√ Seems like a good idea – let’s try it!	√ We tried and accomplished
Develop strategies and practices to ensure that there is an immediate ruling on the petition			
Issue the appropriate order the same day as the hearing at which the court considers the final injunction			
Meet with stakeholders to develop written protocol for execution of the order			
Establish mechanisms to enforce compliance			
<b>CHILD SUPPORT</b>			
Issue an order on the outcome of every hearing			
Prepare and sign all orders in court on the day of the hearing			
Reconfirm addresses at hearings			
Hold stakeholder meetings			
Address parenting time issues by referring parties			
Be aware of the various ways paternity can be established			

***Achieving Buy-In:***

- List the names of those individuals who are critical to achieving the practices that have been checked as “Seems like a good idea – let’s try it” For example, the chief judge, family law judges, trial court administrator, family court coordinator, family case managers, the clerk, family law mediators, attorneys for parents, custody evaluators, OSCA staff and, judges and staff from other circuits with unified family court experience.

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- How might the circuit enlist their involvement in helping achieve these goals? For example, they might become involved through the Family Law Advisory Group meetings or brown bag lunches.

\_\_\_\_\_

\_\_\_\_\_

***Time Frame:***

- How long will it take to achieve full implementation of these practices?

\_\_\_\_\_

**List Specific Tasks:**

- List, in chronological order, the specific tasks necessary to implement each practice

PRACTICE:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

PRACTICE:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

PRACTICE:

- 1.
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- 7.

**Feedback Mechanism:**

- How will you know if the implementation practice is effective?

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## Apply Basic Case Management Techniques Provide Linkages to Services

### Create or obtain a list of available referral services:

- Many communities already have a current listing of referral services.
  - Prior to creating a directory, call the local United Way or visit their website to determine if a list has already been developed.
  - Many local telephone books contain a listing of the community's social
  - Ask members of the Family Law Advisory Group (FLAG) for their input (for example, all local Department of Juvenile Justice probation units are required to maintain a directory of services).
- Assign a person to update the list on a regular basis. Updates could be provided by FLAG members.
- Ensure that each newly assigned judge and newly hired court staff receive a copy of the referral listing.

### Community Services

- 
- |   |                                       |
|---|---------------------------------------|
| • approved parenting courses  | • workforce development programs      |
| • divorce education for children                                      | • homeless shelters                   |
| • alternative dispute resolution programs                             | • food banks                          |
| • high conflict resolution parenting classes                          | • runaway shelter                     |
| • parenting coordinators  | • domestic violence shelters          |
| • supervised visitation centers                                       | • mental health treatment providers   |
| • parental capacity evaluators  | • substance abuse treatment providers |
| • custody evaluators and treatment services for children and families | • victim services                     |
| • local pay or appear programs  | • prevention services                 |
-

### **Eleventh Judicial Circuit**

The Community Network Committee, a subcommittee of this circuit's Family Law Advisory Group, was formed "to develop a system that will strengthen and educate families in the court system by maximizing the efficient use of community and judicial resources." Through a needs assessment, this group learned that many local social service organizations have already developed needs assessments and social service plans. Therefore, they are recommending a member of their FLAG be appointed to social service initiatives (Children's Trust, Social Services Master Plan of the Alliance for Human Services) in order to ensure the needs of a unified family court are considered.

### **Thirteenth Judicial Circuit**

The FLAG is overseeing the development of a unified family court services directory, and in doing so, discovered that a 2002 notebook of Hillsborough County Community Services had been developed. This community services directory was showcased at a FLAG meeting as an agenda item, which allowed members an opportunity to become familiar with its contents and to suggest possible enhancements. As a result, they will use the community services directory as a stepping off point for the creation of their unified family court services directory.

## Apply Basic Case Management Techniques Provide Linkages to Services

### Provide training for judges and court staff regarding available community services:

- Ensure that judges and court staff reach a level of familiarity with the services listed in the resource directory and establish relationships with some of the service providers who are routinely used.
- Often, local children's services boards are willing to provide this training. Alternatively, a FLAG meeting could be devoted to sharing this information.
- Consider developing a list of agencies and/or individuals that new delinquency judges would be encouraged or required to meet within 60 or 90 days of their assignment.

There are fundamental differences that contribute to poor communication and conflict between the justice and social services systems with respect to system goals, service priorities, and language. Judges typically do not understand the working environments of diagnostic and rehabilitative professionals. Conversely, managers of social services agencies and individuals who provide social services at the case level are rarely conversant with the factors that determine either the policy behavior of judges or how a judge handles case management and decision making in the courtroom. Training and education are needed to overcome these likely barriers to cross-system coordination.

*-Bureau of Justice Assistance*

Our children and our families are our future. How we treat them says much about us as a society and will determine what our society will look like in the future. It is safe to say that no family truly wishes to find itself before the courts. After all, marital dissolution, child custody, child neglect and criminal conduct typically are the reasons that bring them there. What we do for these families in trouble, how we treat them and the resources we can bring to bear to assist them, can have profound consequences not only for each affected individual but also for our society as a whole.

*-Ron George, Chief Justice of the California Supreme Court*

## **Fifth Judicial Circuit**

The Department of Children and Families hosted a two-hour Provider Fair, which was designed to encourage communication between the various local service providers and to allow the entities that utilize the services to become more familiar with the types of services and providers available within their community. Providers set up display booths that showcased the services they offer and other helpful information. Invitees included the local Dependency Court Improvement Committee, all of whom were personally called and invited to the event by Department staff. Participants in the event included representatives from: local domestic violence shelters; the Children’s Protection Team; the Nurturing Program (a child abuse prevention program); Children’s Medical Assessment Team; court administration; foster care licensing; Central Florida Services; and independent living. The fair was held during lunch on a casual-dress Friday at the Department’s conference center, and because of its tremendous success, plans are underway for a follow-up fair. (While this example relates specifically to dependency court it could be tailored for judges who hear other types of cases.)

## **Bureau of Justice Assistance**

One training model that the Bureau found at one of its project sites was a “case study” approach to training about the resources in the community. During the training session, a case study was presented and the participants were asked to identify issues posed by the case. They examined whether the court participants and the social service participants identified the same or different issues. They discussed the issues and then identified the appropriate service providers for the case.

## Apply Basic Case Management Techniques Provide Linkages to Services

### Facilitate linkages to appropriate community services:

- By identifying and referring families to appropriate court and community services, the judicial system assists in crafting solutions that promote long-term stability in matters involving children and families, thus possibly decreasing the likelihood of future court involvement.
- Although the probation officers and dependency case workers will likely be providing service referrals to the youth and their families once they begin working with them in delinquency and dependency cases, the court may need to provide emergency referrals at the detention or shelter hearings or early referrals to prompt the family to seek assistance and/or treatment immediately. Some families may be more likely to seek assistance during a time of crisis which may lead to earlier case resolution.

In many instances, courts are service coordinators of last resort for dysfunctional families, matching the needs of individuals to the services available in the community.  
- *"How are Courts Coordinating Family Cases," State Justice Institute*

### **Sixth Judicial Circuit**

A case manager serves as the social and community service coordinator. She attends each shelter and detention hearing with a rolling file folder cart that contains copies of brochures and flyers about available community service providers and is able to provide immediate information about community services to families. Referrals and information have been provided to litigants on the following: counseling for children; housing and homeless shelters; batterers' intervention programs; anger management; free or low-cost legal assistance and clinics; pro se assistance; substance abuse counseling and treatment; resources for women; and resources for Spanish-speaking families.

### **Fifteenth Judicial Circuit**

This circuit recently changed its self-help center's philosophy to reflect an assessment and referral approach. This has established that courts are not providers of social services but can direct the public to assistance for identified needs. The center was renamed, "Self-Help and Referral Center." Staff in the center is prepared to refer center users to various social service agencies to address presenting problems.

## Circuit Action Plan Worksheet

### PROVIDE LINKAGES TO SERVICES

**Objective:**

This worksheet can assist your circuit with outlining the steps necessary to achieve the suggested practices provided in this chapter of the Tool Kit.

Practice	✓ We already do this	✓ Seems like a good idea – let’s try it!	✓ We tried and accomplished
Create or obtain a list of available referral services			
Provide training for judges and court staff regarding available community services			
Facilitate linkages to appropriate community services			

**Achieving Buy-In:**

- List the names of those individuals who are critical to achieving the practices that have been checked as “Seems like a good idea – let’s try it” For example, the chief judge, family law judges, trial court administrator, family court coordinator, family case managers, the clerk, family law mediators, attorneys for parents, custody evaluators, OSCA staff and, judges and staff from other circuits with unified family court experience.


- How might the circuit enlist their involvement in helping achieve these goals? For example, they might become involved through the Family Law Advisory Group meetings or brown bag lunches.

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**Time Frame:**

- How long will it take to achieve full implementation of these practices?

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- When will the circuit begin the planning process for implementation?

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**List Specific Tasks:**

- List, in chronological order, the specific tasks necessary to implement each practice

PRACTICE:

- 1.
- 2.
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- 5.
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PRACTICE:

- 1.
- 2.
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- 7.

PRACTICE:

- 1.
- 2.
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- 4.
- 5.
- 6.
- 7.

**Feedback Mechanism:**

- How will you know if the implementation practice is effective?

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## Apply Basic Case Management Techniques Begin to Identify Crossovers

### To identify related cases, define “family” and establish time line parameters for crossover searches:

- Chapter 741, Florida Statutes, defines “family or household member” as:
  - ...spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.
- Chapters 39 and 985, Florida Statutes, define "family" as a collective body of persons, consisting of a child and a parent, legal custodian, or adult relative, in which:
  - (a) The persons reside in the same house or living unit; or
  - (b) The parent, legal custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.
- Consider expanding the above legal definitions of “family” to include siblings who may not live in the same house and/or siblings who share one parent.
- Determine whether the search will include only active cases or closed cases as well. If closed cases are considered, determine how far back the search for crossovers will go.
- Develop a protocol for which closed cases (such as domestic violence injunctions or child support enforcement) should be case-connected with current cases, such as dependency or dissolution.

### **Eleventh Judicial Circuit**

In its administrative order, this circuit has defined a crossover case as “two or more cases filed or pending in the Juvenile, Family, and/or Domestic Violence Divisions among family members with issues concerning the same child(ren).”

### **Seventeenth Judicial Circuit**

This circuit has defined parameters for the identification of crossover cases. Specifically, “related cases are those in which the parties appearing in the case are the same, for example, if a family is involved in a dependency case, a related domestic relations case would be one in which both parents are parties. Related cases would not include a domestic relations case involving only one of the parents and another party.”

## Apply Basic Case Management Techniques Begin to Identify Crossovers

### Begin to identify crossover cases by asking the litigants and the attorneys if related cases exist:

- Although not every crossover will be identified through this method, it is an excellent way to begin.
- Encourage judges, general masters, hearing officers, guardian ad litem, court staff and attorneys to routinely ask family members about other court actions.
- Also use this opportunity to confirm the parties' addresses. If there are related cases, then the "good" address can be updated in all the cases.
- In delinquency cases, ask if there are other pending cases locally so that they can be pulled up and scheduled with the current cases. Also ask if there are other court actions in other counties to identify cases that need to be coordinated across jurisdictions.

Families don't think of their problems in terms of divisions of the court.

*Kent Spuhler, Esquire,*

*Member of the Steering Committee on Families and Children in the Court*

- Child support cases between the same parties may exist with other children and in old, open cases without service or a final order.
- Domestic violence injunction cases often have child support provisions. Ask the litigants and the clerk's child support division for existing child support orders in those cases.
- Information from the unified family court pilot in the Sixth Judicial Circuit shows that the most commonly occurring related cases are between: dependency and delinquency; dependency and domestic relations; and dependency and domestic violence. Information from the model family court pilot in the Eleventh Judicial Circuit also shows a large number of dependency and delinquency related cases, as well as divorce and delinquency cases and paternity and delinquency cases.

**Fifth Judicial Circuit**

This circuit's administrative order encourages judges hearing family law cases to "inquire of the litigants of any other family law cases involving the same family unit."

## Apply Basic Case Management Techniques Begin to Identify Crossovers

### Use the joint client list for delinquency and dependency crossovers:

The Department of Children and Families and the Department of Juvenile Justice maintain lists of jointly-served clients. These lists can serve as an excellent starting point for identifying the crossover population. Below is a snapshot from one of these lists.

#### Dependency-Delinquency Crossover Children, By County, July to September 2002

<u>County</u>	<u>Number</u>	<u>County</u>	<u>Number</u>
Alachua	65	Lee	65
Baker	3	Leon	44
Bay	31	Levy	17
Bradford	4	Liberty	1
Brevard	132	Madison	2
Broward	300	Manatee	56
Calhoun	7	Marion	88
Charlotte	13	Martin	18
Citrus	26	Miami-Dade	351
Clay	27	Monroe	12
Collier	31	Nassau	3
Columbia	9	Okaloosa	43
DeSoto	6	Okeechobee	10
Dixie	3	Orange	209
Duval	233	Osceola	26
Escambia	97	Palm Beach	173
Flagler	6	Pasco	66
Franklin	2	Pinellas	221
Gadsden	8	Polk	203
Gilchrist	6	Putnam	12
Glades	1	Santa Rosa	30
Gulf	0	Sarasota	28
Hamilton	6	Seminole	49
Hardee	13	St. Johns	30
Hendry	11	St. Lucie	67
Hernando	28	Sumter	12
Highlands	27	Suwannee	15
Hillsborough	352	Taylor	4
Holmes	2	Union	0
Indian River	20	Volusia	147
Jackson	8	Wakulla	6
Jefferson	1	Walton	14
Lafayette	0	Washington	3
Lake	63		
<b>Total</b>	<b>3602</b>	(The total number of crossover children in the third quarter of 2002 as provided by the	

Florida Department of Juvenile Justice, Probation Headquarters, which includes out of state cases and county with missing information.)

The names of the joint clients may be obtained by the local Department of Juvenile Justice (DJJ) Chief Probation Officer/Circuit Manager. Contact information for these individuals can be found on the DJJ website, under Probation and Community Corrections and then under Juvenile Probation and Community Corrections Contacts: <http://www.djj.state.fl.us/probcommcorrections/contacts.html>

Please be advised that those lists should only serve as a starting point for identifying crossover children as the lists are only compiled periodically and reflect a snapshot of a particular point in time.

## Apply Basic Case Management Techniques Begin to Identify Crossovers

**For those circuits that use the one judge/one family model, implement a method for assigning cases that will increase the likelihood of crossover cases being heard by the same judge:**

- Judges are more likely to hear related crossover cases if an individualized assignment method is established. For example, assigning cases to judges based on geographic zip code areas or the alphabet.
- Assigning cases using an individualized assignment method can also assist with the equitable assignment of cases to judges.

**Sixth Judicial Circuit**

In Pinellas County, each of the four judicial sections designated for the Unified Family Court is assigned to handle cases from one of four geographic zip code areas. Two judges cover the northern section of the county and two cover the southern region.

**Fifteenth Judicial Circuit**

Administrative Order No. 5.001-4/02 requires all cases to be filed and assigned to judges based on zip code designations of the petitioner's residential address.

## Apply Basic Case Management Techniques Begin to Identify Crossovers

### Request access to the Florida Department of Law Enforcement's CJNET to check for related delinquency cases:

- CJNET contains information from the Department of Juvenile Justice regarding juveniles in their information system. Gaining access to CJNET may assist in identifying dependent children who are also active with the Department of Juvenile Justice. The information may also be used to find related cases in other case types.
- The following information can be found on CJNET: youth face sheets and detention facilities/commitment program locations.
- To get a copy of the CJNET application, follow these steps:
  1. Go to [www.flcjin.net](http://www.flcjin.net).
  2. Within the "Corrections Links" box, click on the link entitled "Juvenile Justice Information Systems" and the JJIS login screen will appear.
  3. Click on "Need a Login."
  4. Read the instructions, download/print the form and fill it out completely. Fax to number shown.
  5. Applicant should be able to gain access within 48 hours or less.



**To alert the court of identified crossover cases, use a Related Case Form and devise a code for identifying crossover cases on the docket:**

- A Related Case Form provides the court with written documentation of crossover cases, whether past or pending.
- The form is usually completed upon initial filing of a new family law case and then placed in the court file; however, it can be completed at any stage of the case when the court is made aware of other past or pending court actions.
- Consider including the following information for each crossover case on a Related Case Form:

- Case Number(s)
- Type of Case(s)
- Petitioner and Respondent
- Attorneys for the Petitioner and Respondent
- Judge(s) Assigned to the Case(s)
- Date and Type of Last Court Action

- Coding cases on the docket provides another “alert” that there are related cases.

### **Third Judicial Circuit**

Upon initial filing, the clerk will complete a Related Case Form (RCF) that lists all pending and past family law cases filed within the past five years. The search for cases is conducted both manually and by computer. The RCF is placed in the new court file, which is then provided to the family law case manager who prepares a summary for each related case, called the Case Management Checklist. The checklists are placed in the new court file and provided to the judge hearing the case.

### **Sixth Judicial Circuit**

Crossover cases are identified by judges, general masters, hearing officers, guardian ad litem, other court staff or attorneys. A referral form was created to capture these referrals, although referrals are taken in any format. If appropriate, an order of reassignment is entered by the unified family court judge and a copy of the order is placed in all relevant court files, under seal if necessary.

### **Eleventh Judicial Circuit**

An information sheet that lists all pending and closed cases involving the same family is completed for all crossover cases transferred into the Unified Family Court Pilot Division. Using a software program, the clerk gives the unified family court judges a weekly report of related cases.

### **Fourteenth Judicial Circuit**

A Unified Family Court Civil Cover Sheet is completed when a new dependency action is filed. Upon initial filing of a dependency action, a search for pending family law crossover cases is conducted through the clerk's database. The cover sheet is then completed and placed in the court file.

# Circuit Action Plan Worksheet

## BEGIN TO IDENTIFY CROSSOVERS

**Objective:**

This worksheet can assist your circuit with outlining the steps necessary to achieve the suggested practices provided in this chapter of the Tool Kit.

Practice	√ We already do this	√ Seems like a good idea – let’s try it!	√ We tried and accomplished
Define “family” and establish time line practices			
Ask the litigants and the attorneys if related cases exist			
Use the joint client list for delinquency and dependency crossovers			
Implement a method for assigning cases that will increase the likelihood of crossover cases being heard by the same judge			
Request access to the Florida Department of Law Enforcement’s CJNET to check for related delinquency cases			
Use a Related Case Form and devise a code for indentifying crossover cases on the docket			

**Achieving Buy-In:**

- List the names of those individuals who are critical to achieving the practices that have been checked as “Seems like a good idea – let’s try it” For example, the chief judge, family law judges, trial court administrator, family court coordinator, family case managers, the clerk, family law mediators, attorneys for parents, custody evaluators, OSCA staff and, judges and staff from other circuits with unified family court experience.


- How might the circuit enlist their involvement in helping achieve these goals? For example, they might become involved through the Family Law Advisory Group meetings or brown bag lunches.

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**Time Frame:**

- How long will it take to achieve full implementation of these practices?

---

- When will the circuit begin the planning process for implementation?
- 

**List Specific Tasks:**

- List, in chronological order, the specific tasks necessary to implement each practice

PRACTICE:

- 1.
- 2.
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PRACTICE:

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PRACTICE:

- 1.
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**Feedback Mechanism:**

- How will you know if the implementation practice is effective?
- 
-

## Establish a Family Law Advisory Group (FLAG) to Foster Meaningful Collaboration

### Identify potential FLAG members:

- Remember that in order to gain an understanding of how other agencies and the public will be affected by the implementation of a Unified Family Court, appropriate representation is critical!
- Membership should include representation from:
  - court stakeholders
  - service providers
  - legal stakeholders
  - agency stakeholders
- Be comprehensive when making the list of stakeholders. Ask stakeholders to identify representatives who are recognized as leaders in their profession and can be a catalyst for systemic change.

The success of any family court is dependent upon effective communication among all stakeholders both in the judicial branch and in the community. Because the model court concept must be tailored to the needs of each community and because each family court should fully explore and take advantage of resources within the community, the creation of a Family Law Advisory Group within each circuit will enhance the family court in each circuit.

**In re: Report of the Family Court Steering Committee, 794 So. 2d 518 (Fla. 2001).**

## Sample FLAG Membership.

### Court stakeholders

- judges
- quasi-judicial officers (hearing officers, general masters)
- court staff (court administration, judicial assistants, case managers, self-help, law clerks, staff attorneys)
- clerk staff

### Service providers

- mediators
- guardians ad litem
- custody evaluators
- parenting course providers
- supervised visitation providers
- domestic violence advocates/shelter staff
- batterers' intervention providers
- substance abuse and mental health providers
- process servers
- parenting coordinators

### Legal stakeholders

- private attorneys
- public defenders/state attorneys
- children's attorneys/contract attorneys
- legal services/aid

### Agency stakeholders

- Department of Revenue
- Department of Children and Families
- Department of Juvenile Justice
- County School Board/Department of Education
- Sheriff/Police

### Other

- local government officials
- community organizers
- parents and children (consumers)
- local colleges/university professionals
- certified public accountant
- faith based community

## Establish a Family Law Advisory Group (FLAG) to Foster Meaningful Collaboration

### Identify judicial leadership for the FLAG:

- Strong judicial commitment and leadership brings both credibility and stakeholders to the effort!
- Select a judge who understands the needs of the community to facilitate the FLAG meetings. A facilitator is someone who:
  - is responsible for keeping the meeting focused and moving it forward in other words, guiding the discussion
  - is objective and will have the ability to tactfully prevent any one issue or person from dominating the meeting
  - should see that no one person's contribution is attacked or overlooked
  - checks briefly for agreement before moving on - makes sure everyone understands decisions
  - knows when the group members have reached a decision or when the members cannot reach a decision - suggests postponement if necessary
  - gathers post-meeting evaluation to ascertain the effectiveness and efficiency of the meeting relevant to its objectives
  - assures that goals are set and achieved within time frames



## **Establish a Family Law Advisory Group (FLAG) to Foster Meaningful Collaboration**

### **Commit to holding regularly scheduled FLAG meetings:**

It is important to institutionalize these meetings and hold them at regular intervals, at regularly scheduled dates and times.

### **Fifth Judicial Circuit**

This circuit has elected to have separate FLAGs for each county. In four of the five counties, the FLAG is active and has met regularly, at least five times in 2002. The Marion County FLAG held eleven meetings in 2002. Each county submits an annual FLAG report to the chief judge.

## **Establish a Family Law Advisory Group (FLAG) to Foster Meaningful Collaboration**

### **Develop FLAG goals:**

- Goals should be developed based on the circuit's individual needs, which can be identified through conducting a needs assessment.
- Strive for consensus on goals. Gaining consensus increases the quality of decisions and increases commitment to implementation.

## Sample consensus-building process

- 1. Identify parties:** Identify all of the parties who should be involved, and recruit them into the process. If some parties are left out or refuse to participate, this is likely to cause implementation problems at the end.
- 2. Define any conflict:** Defining, and often re-defining or "reframing" the conflict is usually the next step. Try to get the disputants to reframe the issues in terms of interests, which are usually negotiable, rather than positions, values, or needs, which usually are not.
- 3. Brainstorm alternatives:** Brainstorm alternative approaches to the problem. Sometimes this is done as a group; other times it can be done in small work groups, with different groups of people tackling different issues or different aspects of the overall problem. An effort should be made to develop new, mutually advantageous approaches.
- 4. Weigh alternatives and obtain agreement:** After the parties generate a list of alternatives, these alternatives are carefully examined to determine the costs and benefits of each (from each party's point of view), and the barriers to implementation. Eventually, the choice is narrowed down to one approach which is fine-tuned, often through a single negotiating text, until all the parties at the table agree. Thus consensus building differs from majority rule decision making in that everyone involved must agree with the final decision -there is no vote. The negotiators then take the agreement back to their constituencies and try to get it approved.
- 5. Explain agreement:** This is one of the most difficult steps, as the constituencies have not been involved in the ongoing process, and often have not developed the level of understanding or trust necessary to understand why this is the best possible agreement they can get. Negotiators need to be able to explain exactly why the settlement was drafted as it was, and why it is to the constituencies' benefit to agree to it. If any one of the groups represented in the consensus-building process disagrees at this stage, they will likely refuse to sign the agreement, and the agreement may well fall apart.
- 6. Implement:** If all the parties sign the agreement, the last stage is implementation. This stage is difficult too, as unforeseen problems inevitably develop. But successful consensus-building processes are usually able to surmount such problems because the process improves the opponents' relationship so much that they are able to work together effectively in the future to overcome implementation problems.

## Establish a Family Law Advisory Group (FLAG) to Foster Meaningful Collaboration

### Develop action plans related to the established goals through the use of subcommittees:

- It is important that your FLAG first develop broad goals **before** subcommittees/workgroups are established. This will ensure that the smaller groups have something against which their action plans and subsequent recommendations can be crafted.
- Refine the goal statement, list action steps and determine how each step will be accomplished (including who will lead), and establish target dates for completion.

Courts are the portal to the service delivery system.

*- Judge Richard J. Fitzgerald*

### **Sixth Judicial Circuit**

The chief judge created FLAGs in both Pasco and Pinellas Counties in December 2001. Prior to the establishment of the FLAGs, there were two separate circuit-wide committees, the Pro Se Advisory Committee and the Dependency Court Improvement Committee that met regularly on family law issues. The chief judge dissolved those two committees and made them a part of the Pinellas FLAG, which in turn is a part of the Circuit's Strategic Planning Initiative. The Pinellas FLAG subcommittees have dealt with: the administrative establishment of child support; changes in the domestic violence law; employment services available for non-custodial parents with support orders; procedures for the handling of juveniles sentenced back who violate sanctions; updates regarding funding and community services; and facilitating communication between the Guardian ad Litem office and the local protective services provider. The Pasco unified family court advisory group dovetailed into the Pasco FLAG.

### **Eleventh Judicial Circuit**

This circuit's FLAG, The Unified Family Court Advisory Board, has three subcommittees. In November 2002, the subcommittees submitted their end of year reports and action plans.

### **Twentieth Judicial Circuit**

This FLAG met for two years on specific court improvement projects on a biweekly basis. The group established a "one-stop shop" plan for court services and referrals, and a case management plan, which ultimately became a part of their model family court pilot. They have developed an exit survey for litigants to complete at the conclusion of their case management conference in order to gauge litigant satisfaction, as well as obtained a \$90,000 grant from the Florida Bar Foundation to establish a "Pay or Appear" program for child support collection.

## Establish a Family Law Advisory Group (FLAG) to Foster Meaningful Collaboration

### Be aware of interagency agreements/ memoranda of understanding:

**Section 20.316(3) Juvenile Justice Operating Circuits.** The Department of Juvenile Justice shall plan and administer its programs through a structure that conforms to the boundaries of the judicial circuits. However, a county may request placement in a juvenile justice operating circuit other than as prescribed for participation in the Prevention and Victim Services Program and the Probation and Community Corrections Programs. This request must be directed to the Chief Circuit Judge in each judicial circuit affected by such request. Each affected may authorize the execution of an interagency agreement.

**Section 39.303 Child Protection Teams.** The Department of Health and the Department of Children and Family Services shall maintain an interagency agreement that establishes protocols for oversight and operations of child protection teams and sexual abuse treatment programs.

**Section 394.498(4) Child and Adolescent Interagency System of Care Demonstration Models.** Each agency that participates in a demonstration model shall enter into a written interagency agreement that defines each agency's responsibilities.

**Section 402.70 Public Health.** The Department of Health and the Department of Children and Family Services shall enter into an interagency agreement to ensure coordination and cooperation in identifying client populations, developing service delivery systems, and meeting the needs of the state's residents.

**Section 409.1676(1) Comprehensive residential group care services to children who have extraordinary needs.** It is the intent of the Legislature that the Department of Children and Family Services and the Department of Juvenile Justice establish an interagency agreement which describes respective agency responsibilities for referral, placement, service provision, and service coordination for dependent and delinquent youth who are referred to residential group care facilities.

**Section 409.2599 Child Support.** The Department of Children and Family Services is to provide the Department of Revenue data processing services that meet the standards for federal certification, pursuant to an interagency agreement.

**985.04(3) (a) Confidential Information.** Within each county, the sheriff, chiefs of police, district school superintendent, and Department of Juvenile Justice shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties.

**Section 985.2066 Children Locked Out of the Home.** The Department of Juvenile Justice and the Department of Children and Family Services shall develop comprehensive agreements between the staff and the providers in order to coordinate the services provided to children who are locked out of the home.

**Section 985.209(3) Juvenile Assessment Centers.** Each center shall be managed and governed by the participating agencies, consistent with respective statutory requirements of each agency, through an advisory committee and interagency agreements established with participating entities.

**Section 985.21(4) State Attorney Recommendations.** The State Attorney and the Department of Juvenile Justice may enter into interagency agreements denoting the cases that will require a recommendation and those for which a recommendation is unnecessary.

**Section 1003.27(4) K-20 Cooperative Agreements.** The Department of Juvenile Justice, the Department of Children and Family Services and the District School Superintendent, must develop a cooperative interagency agreement that: clearly defines each department's role; identifies and implements measures to reduce truancy; addresses issues of streamlining service delivery and the appropriateness of legal intervention; and report results.

**Section 1006.13(3) Zero Tolerance.** Each district school board shall adopt a cooperative agreement with the Department of Juvenile Justice that specifies guidelines for ensuring that all no contact orders entered by the court are reported and enforced and that all steps necessary are taken to protect the victim of any such crime.

*NOTE: There are other interagency agreements between departments that may not be statutorily required. For example, the Department of Children and Families and the Department of Juvenile Justice have an interagency agreement regarding incompetent youth. The two departments also have an agreement regarding dually served youth that lists policy and procedures regarding communication between the two agencies for youth who are dually adjudicated.*

## **Establish a Family Law Advisory Group (FLAG) to Foster Meaningful Collaboration**

### **Submit to the Florida Supreme Court an annual report on the progress of the FLAG:**

- In the Florida Supreme Court's May 2001 opinion, each circuit is required to report back to the Court the progress of the circuit's FLAG.
- The FLAG progress report should be incorporated into the annual report required by In re: Report of the Commission on Family Courts, 633 So. 2d 14 (Fla. 1994), which mandates each circuit submit to the Chief Justice a report on progress toward implementation of the family court initiative.



# Circuit Action Plan Worksheet

## ESTABLISH A FLAG

**Objective:**

This worksheet can assist your circuit with outlining the steps necessary to achieve the suggested practices provided in this chapter of the Tool Kit.

Practice	√ We already do this	√ Seems like a good idea – let’s try it!	√ We tried and accomplished
Identify potential FLAG members			
Identify judicial leadership			
Commit to holding regularly scheduled FLAG meetings			
Develop FLAG goals			
Develop action plans related to the established goals through the use of subcommittees			
Be aware of interagency agreements/memoranda of understanding			
Submit to the Florida Supreme Court an annual report on the progress of the FLAG			

**Achieving Buy-In:**

- List the names of those individuals who are critical to achieving the practices that have been checked as “Seems like a good idea – let’s try it” For example, the chief judge, family law judges, trial court administrator, family court coordinator, family case managers, the clerk, family law mediators, attorneys for parents, custody evaluators, OSCA staff and, judges and staff from other circuits with unified family court experience.

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- How might the circuit enlist their involvement in helping achieve these goals? For example, they might become involved through the Family Law Advisory Group meetings or brown bag lunches.

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**Time Frame:**

- How long will it take to achieve full implementation of these practices?

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- When will the circuit begin the planning process for implementation?
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**List Specific Tasks:**

- List, in chronological order, the specific tasks necessary to implement each practice

PRACTICE:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

PRACTICE:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

PRACTICE:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

**Feedback Mechanism:**

- How will you know if the implementation practice is effective?
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## Case Management Resources

- *Dissolution of Marriage Assessment Findings Summary*, Office of the State Courts Administrator, 2001
- *Dependency Assessment Findings Summary*, Office of the State Courts Administrator, 1998
- *Delinquency Assessment Findings Summary*, Office of the State Courts Administrator, 2001
- *Domestic Violence Assessment Findings Summary*, Office of the State Courts Administrator, 2003
- *Child Support Assessment Findings Summary*, Office of the State Courts Administrator, 2001
- *Report of the Case Management Subcommittee: A Case Management Model for Florida Family Courts* (from the 2000-2002 Case Management Subcommittee of the former Family Court Steering Committee)
  - available at [www.flcourts.org](http://www.flcourts.org) under Office of Court Improvement link in the Report of the 2000-02 Family Court Steering Committee
- *Differentiated Case Management: Frequently Asked Questions*, National Center for State Courts
- <http://national.unitedway.org/> (Provides links to local websites that may include a services directory)
- *Court Responses to Individuals in Need of Services: Promising Components of a Service Coordination Strategy for Courts*, by Pamela Casey and William E. Hewitt, National Center for State Courts
  - available in PDF format at: <http://www.ncsconline.org>
- *Caseflow Management in the Trial Court, Now and for the Future*, Maureen Solomon and Douglas K. Somerlot, American Bar Association, 1998
  - available through the ABA: <http://www.abanet.org/>
- Sample Case Management Orders
- Sample Related Case Forms

## Family Law Advisory Group Resources

- *Getting from “Clobberation” to Collaboration*, Office of the State Courts Administrator, 2001
- *“How are Courts Coordinating Family Cases?”* Chapter Four: Coordination Between Courts and Human Service Agencies, State Justice Institute (copies of this book were previously mailed to the circuits)
- *Strategies for Court Collaboration With Service Communities*, Program Brief, Bureau of Justice Assistance

**Notice:** The following studies, articles, and sample forms have not been recreated in this updated document. Please see September 2003, Toolkit Vol. I.

**Studies**

- Major Findings - Dissolution Of Marriage Assessment
- Major Findings - Delinquency Assessment
- Major Findings - Dependency Assessment
- Major Findings - Domestic Violence Assessment
- Major Findings - Child Support Assessment

**Articles**

- Differentiated Case Management: Frequently Asked Questions, NCSC 2002
- Getting from “Clobberation” to “Collaboration”
- Strategies for Court Collaboration with Serve Coummunities, BJA 2002

**Sample Forms**

- Order Setting First Case Management Conference
- Order to Appear
- Family Case Management Order
- Unified Family Court Civil Coversheet
- Related Files

For children are not just our future; children are our present. They are our present and what we do today or fail to do can and may forever alter their future. And the lives of the children and their families can forever be changed by our action – or inaction.

**– Justice Barbara J. Pariente, Florida Supreme Court,  
Chair of the Steering Committee on Families and Children in the Court**