

# Family Court Pilot

in Colorado's 17<sup>th</sup> Judicial District



**October 2001**

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# Acknowledgments

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Special thanks are due to the following individuals for their assistance in the completion of this report:

**At the 17<sup>th</sup> Judicial District:**

Judge John Vigil  
William DeLisio, Family Case Facilitator  
Laurie Shera, Court Administrator  
Marybeth Spears, Division Clerk

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**At the State Court Administrator's Office:**

Melinda Taylor  
Daniel Gallagher

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Thanks are also due to the many individuals who participated in interviews —

The Family Court Magistrate, Family Court *Guardian Ad Litem*, members of the Multi-Disciplinary Review Teams, Court clerks, County Attorneys, workers at Adams County Department of Social Services, service providers for the ACDSS, Probation staff, attorneys with the Public Defender's Office, the District Attorney's Office, as well as respondent parent attorneys.

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Sue Tripathi designed the attorney surveys used in the evaluation and developed a spreadsheet for tracking Family Court cases.

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## The Family Court


The Family Court Pilot Program of the 17<sup>th</sup> Judicial District was designed to “create an environment where agencies and individuals work together to improve the delivery of services to families who need them.”

The Family Court Model attempts to remedy the problems inherent in fragmented hearings by ensuring that multiple cases involving the same family are heard by the same court. In general, Family Courts hear a combination of the following: dissolution of marriage, paternity, child support, allocation of parental responsibilities, domestic violence, protection/restraining orders, juvenile delinquency, status offenses, child protection, and substance abuse. Other common elements of a Family Court include:

- Intensive training for judges and hearing officers on matters related to families, family conflict, and services for families;
- Longer periods of rotation for Family Court judges and preferences given to judges who volunteer for Family Court;
- Case management;
- Diversion of cases from litigation into alternative dispute resolution forums;
- Screening and assigning cases to multiple “tracks” to ensure that the attention and services given to a case are related to the complexity of the case.

In the 17<sup>th</sup> Judicial District, the Family Court Pilot Program involved the random assignment of cases with dependency and neglect filings on or after September 1, 2000, to (a) the Family Court Division, or (b) traditional court processing (control group).

For the duration of the Pilot Program, each new dependency and neglect filing was researched by the Family Case Facilitator to determine if there were additional filings for any of the family members. The other types of court filings that might be bundled with the dependency proceeding included additional dependency filings, delinquency, truancy, adoptions, relinquishments, family-related misdemeanors, temporary and





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permanent restraining orders, DUI and DWAI charges, mental health, and domestic relations. Other cases could be added at the discretion of the court, although felony cases were not included. All cases were handled with the one-judge/one-family approach; that is, one judge was designated to hear all aspects of all cases related to one family.

## Findings From the 17<sup>th</sup> Judicial District

This evaluation, based on 27 Family Court and 28 control cases, cannot presume to be a definitive exploration of the costs and benefits associated with a Family Court. It is admittedly an exploratory effort to address the use of a Family Court approach in one jurisdiction in Colorado.

The evaluation finds a number of extremely promising results:

- The consensus among dependency court professionals — judges, magistrates, attorneys who represent parents, the *guardian ad litem*, case workers, and attorneys for the Department of Social Services — is that bundling cases and relying on one-family/one-judge creates a more informed bench, offers a better opportunity to respond to the needs of the case, and can have great benefits when the family's problems are severe or problems with compliance arise.
- The professionals who have been drawn into the child abuse and neglect system through the Family Court credit the Pilot with increasing their awareness of the family's needs and providing better services.
- There is evidence that the Family Court approach helps the Judge, and other professionals, to see the family's problems in a more holistic manner. For example, all of the Family Court cases, compared to 39.3 percent of the control group cases, had at least one hearing that dealt with two or more filings.
- There is some preliminary evidence that the Family Court approach may produce somewhat different treatment plans. In this evaluation, Family Court



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cases were more likely than control cases to involve court-ordered counseling or mental health services.

- There is evidence that control group cases are at risk of having orders that overlap in the services. For example, among the control group, 53.6 percent had a service related to substance abuse — drug or alcohol assessment, treatment, or testing — mentioned in two or more orders.
- Initial concerns about the workload impact of the Family Court approach have diminished.
- Although the Family Court approach increased the number of matters dealt with per hearing, it did not reduce the total number of hearings per family. However, it is possible that the lack of differences is due to the small sample sizes and the newness of the approach.
- In cases with out-of-home placement, Family Court children had shorter placements than did control group children. The average Family Court case with out-of-home care involved a placement of just over three months. For control group cases, the figure is over six months.
- Overall, Family Court and control cases move through the legal system at a very similar pace. Given the fact that case processing time lines for dependency cases are now very tight, it would be difficult for the Family Court approach to further shorten the amount of time prior to key time points, such as disposition or permanency hearings.
- There is some evidence that the non-dependency cases seen by the Family Court moved more rapidly to resolution. At the time of the court file review, 88.9 percent of the Family Court cases had a companion case in which the Court's jurisdiction had terminated, compared to 71.4 percent in the control group.





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While overall satisfaction with the Family Court approach is high in the 17<sup>th</sup> Judicial District, some changes are needed. The Court has recognized these needs, and plans are already underway to address the issues outlined below:

- The Family Court needs flexibility in deciding which cases to bundle.

Some cases may not warrant bundling, such as non-habitual traffic violations with no drug or alcohol involvement, or an isolated, minor ordinance violence. The Court is exploring a multi-track system, known as differentiated case management, that will allow some cases to be bundled, while other cases will continue through the traditional route, with the Family Court Judge simply apprised of the additional case filing.

- There may be benefits to be gained by including felonies in the types of cases the Family Court may choose to bundle.

The idea of bundling felonies is controversial and does not have uniform support. However, in some instances, bundling or otherwise expediting the resolution of the felony charge might be the key to making progress in the dependency filing. The court should continue to study ways to bundle felony charges while addressing the concerns of prosecutors and should consider testing methods of incorporating felonies into the Family Court.

In addition, this study concludes that:

- Judges serving on the Family Court should be allowed a longer than usual rotation.

The need for a skilled, committed, stable judiciary is especially critical in the effective functioning of a Unified Family Court. A longer judicial rotation would provide more continuity and allow for greater effectiveness.

In general, the results of this preliminary evaluation are consistent with the conclusions of the Court Improvement Committee for the Colorado Supreme Court Commission on Families in the Colorado Courts:



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The lack of communication, coordination and collaboration which is systemic under the current court structure is both cost ineffective and overloads families with requirements that cannot reasonably be met. *Perhaps most important, this structure creates gaps in much needed services and treatment. These gaps can place children and other innocent individuals at risk; circumvent accountability; and frustrate efficient, just and speedy resolution of issues.*





# Final Report

This report presents the results of a preliminary evaluation of the Adams County Family Court Pilot Program. Included in this document are the following:

- A brief description of the Family Court concept;
- An overview of how the concept was put into action in the 17<sup>th</sup> Judicial District;
- Highlights of interviews with professionals who have experience with the Family Court, as well as the traditional court process;
- The findings of case-specific surveys, which were completed by attorneys;
- The results of an analysis of court file data comparing Family Court and control cases (using traditional court processing) on key outcome measures.

The evaluation, like the Pilot Program itself, was undertaken with limited financial resources. As a result, this evaluation is far from a comprehensive examination of the full range of issues surrounding Family Courts. It is intended as a first step in understanding how a Family Court can be implemented and the costs and benefits of the approach.


## The Family Court Concept

Interest in the Family Court is partly the result of increased family-related filings in the courts. Family-related cases in the courts have far outpaced increases in other types of filings. Between 1984 and 1996, the juvenile caseload increased nationally by almost 66 percent and domestic relations cases increased by nearly 75 percent. Other civil and criminal filings increased by 31 and 41 percent, respectively.<sup>1</sup> In Colorado, family matters now account for half of all court dockets.<sup>2</sup>

The Family Court movement is also a response to practical experience, and research, indicating that the same family is often involved in multiple court cases. For example, a study published by the National Center for State Courts in 1992 indicated that 40 percent of all families served by the court are involved in more than a single case.<sup>3</sup>

The combination of these two facts — greater numbers of families in the courts and the likelihood of multiple court cases per family — has led to growing concern that





these cases may be handled inefficiently. The American Bar Association has noted that:

Lack of coordination among criminal, juvenile, and family courts that hear multiple cases involving a single family produces delay, duplication, and contradictory rulings and orders.<sup>4</sup>

Another legal scholar notes that traditional, non-unified courts run the risk of calling children as witnesses unnecessarily, conducting repeated interviews with children, and losing children in the system, as well as:

...creating an opportunity for fragmentation and such resulting plagues as expressly conflict orders. For example, one judge may order visitation in a matrimonial proceeding, while another judge finds evidence of abuse in a child protection proceeding and issues an order precluding unsupervised contact with the same adult.

This author goes so far as to note:


In many respects, traditional, non-unified courts themselves may constitute an additional threat to the parties who appear before them.<sup>5</sup>

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While failing to coordinate the multiple cases of a single family may be a disservice to the family, it can also allow family members to manipulate the court system — offering differing stories and explanations to different judges or repeatedly using the same excuses in different courts.<sup>6</sup>

There is also concern that the current court structure, by preventing judges from understanding the connections among family problems, may be missing valuable opportunities to prevent problems before they occur. Ross notes:

Children in delinquency hearings have almost always first appeared in court at younger ages, for presenting problems more susceptible to preventive intervention and services. . . children who move from the child welfare ‘dependency’ system to the delinquency system pay the price for the fragmentation that characterizes too many courts.<sup>7</sup>





The problems faced by families with multiple court actions are, without question, unintentional. The American Bar Association explains:

These problems do not exist because of incompetent judges or disorganized courts. The problems lie, in part, with the way in which many courts were originally structured and how the role of the courts has expanded to include services. In addition, the issues families face today have grown in size and have become more complex.<sup>8</sup>

The problem is the result of states piecing “together courts that all too often had overlapping jurisdiction over different legal questions involving the same family. . . .”<sup>9</sup>

The Family Court Model attempts to remedy the problem inherent in fragmented hearings by ensuring that multiple cases involving the same family are heard by the same court. Although this is the basic intent behind all Family Courts, there is, in reality, no single Family Court Model.<sup>10</sup> In practice, courts vary in the type of cases they allow to be “bundled” or consolidated. However, in general, Family Courts hear a combination of the following: dissolution of marriage, paternity, child support, allocation of parental responsibilities, domestic violence, protection/restraining orders, juvenile delinquency, status offenses, child protection, and substance abuse.

In addition to ensuring that a single court is authorized to hear all of the family’s cases, the Family Court Model typically calls for “one-family/one- judge.” This approach is sometimes used in traditionally organized courts to ensure that all appearances on a given matter are heard before the same judge. Legal scholars describe the value of the one-family/one-judge approach this way:

A major premise of the one-family/one-judge approach is that a judge who is acquainted with a family’s different legal concerns and social dynamics will make more informed and effective decisions than different judges hearing these matters simultaneously or seriatim. . . . another premise is that a single judge can more readily facilitate improved case services coordination by several agencies. Family members are also more apt to obey court orders knowing they will return to the same judge. Because the parties are known to the judge, they are also less able to use the same arguments or excuses more than once.<sup>11</sup>





Other common elements of a Family Court include:

- Intensive training for judges and hearing officers on matters related to family and family conflict;
- Judicial training on issues related to services for families;
- Longer periods of rotation for Family Court judges and preferences given to judges who volunteer for Family Court;
- Case management;
- Diversion of cases from litigation into alternative dispute resolution forums;
- Community advocacy;
- Involving community members in the functioning of the court;
- Screening and assigning of cases to multiple “tracks” to ensure that the attention and services given to a case are related to the complexity of the case;
- Improved information management systems to allow relevant cases to be identified and accurately tracked.


**The Adams County Family Court Pilot**

The Adams County Family Court Pilot Program was designed to “create an environment where agencies and individuals work together to improve the delivery of services to families who need them.”<sup>12</sup> The groundwork for the Pilot was a September 1, 2000, order of the Chief Judge authorizing the operation of Family Court Division in the 17<sup>th</sup> Judicial District.

Planning for the Pilot, and development of procedures and policies for handling Pilot cases, was conducted with input from:

- The Presiding Juvenile Court Judge (Division D);
- The Presiding Juvenile Court Magistrate (Division D);
- Family Case Facilitator;
- Adams County District Attorney’s Office;
- Adams County Public Defender’s Office;
- Adams County Department of Social Services;
- Adams County Mental Health;
- Adams County Attorney’s Office;
- Adams County Probation Department;



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- Contract Attorneys;
  - Colorado State Court Administrator's Office;
  - Rocky Mountain Children's Law Center;
  - The Office of the Court Appointed Special Advocate (CASA);
  - The Link (private probation service);
  - Positive Alternatives Through Home Services (PATHS);
  - Project Safeguard (domestic violence services).

The Pilot included the following basic components:


- Random assignment of cases with dependency and neglect filings on or after September 1, 2000, to (a) the Family Court Division, or (b) traditional court processing (control group).

For cases assigned to the Family Court Division, the intervention included:

- Bundling of active cases;
- All cases handled with the one-judge/one-family approach;
- The use of a conference led by the Family Case Facilitator to promote early case planning; and
- The use of Multi-Disciplinary Review Teams (MDT) to review the recommended service plan and offer additional recommendations or revisions.

Prior to the start of the Pilot, an orientation meeting was held to acquaint the professionals with the new Program and to explain the operating procedures and policies.

For the duration of the Pilot Program, each new dependency and neglect filing was researched by the Family Case Facilitator to determine if there were additional filings for any of the family members. "Family" was loosely defined as all of the minor children in a household, their parents or guardians (including those not living in the home), and significant others of the parents, such as spouses or partners. This definition was intended to be flexible and might include other types of relatives if these individuals were also central to the dependency filing. The other types of court filings that might be bundled with the dependency proceedings included additional dependency filings; delinquency; truancy; adoptions; relinquishments; family-related mis-demeanors; temporary and permanent restraining orders; DUI and DWAI





charges; mental health; and domestic relations. Other cases could be added at the discretion of the court, although felony cases were not included.

As described above, the dependency case filing was the “trigger” or “stem case” that prompted a search for additional filings and could lead to a case being included in the Pilot. All Division D filings with multiple active cases were assigned to either the Family Court Division or the control group. Only one judge and one magistrate heard Family Court Division cases. Control group cases received no special treatment and were handled by multiple judges according to the policies and procedures established by statute and by the Chief Justice Directive 98-02.


When a case was assigned to the Family Court Division, the Family Case Facilitator pulled the various court files. The Division Clerk modified the computer system to ensure that these cases were “related” on the computer and to change their assignment to Division X (the Family Court Division designation).

The Division Clerk was also responsible for seeing that the next pending action on each case was reassigned to the Division X docket. If no hearing was pending, the case was typically set for a review at a time when another hearing was already scheduled. The Family Case Facilitator was responsible for notifying all the parties about the case being assigned to the Family Court Division.

All cases in the Family Court Division were also scheduled for a case facilitation conference approximately seven days post-adjudication. This conference was intended to promote information sharing and early case planning. Attendance at this initial status conference was mandatory for all relevant parties and family members, although special procedures could be put in place if the family included domestic violence victims to ensure that victim and perpetrators did not meet jointly.

Two Multi-Disciplinary Review Teams (MDT) were created to review cases following the initial status conference. Each MDT was composed of approximately seven community volunteers, with diverse and relevant backgrounds such as pediatrics, education, family law, probation, therapy, or drug treatment. The MDTs reviewed the plans developed by case workers and offered recommendations about additional or different services that the family might need. These reports from these MDTs were to be distributed to all individuals in the case, as well as the court.





Finally, professionals were required to attend all court hearings before the Family Court Division. However, for any given hearing, attendance by specific individuals could be waived by the judge if the participation of this individual was not believed to be relevant to the proceedings.

## The Evaluation

The evaluation focused on 27 cases (defined as a dependency filing and the cases bundled with it) processed through the Family Court Division between early September 2000 and early April 2001 and 28 cases assigned to the control group during this same time period.

The data employed in this evaluation include:

- Surveys completed by attorneys on 26 Family Court cases and 25 surveys from attorneys with control group cases.<sup>13</sup>
- Data extracted from a review of all relevant court records for both Family Court Division and control group cases. This review took place in early August 2001. This provided outcome data for a minimum of 4 and maximum of 11 months following the dependency court filing bringing the case into the Pilot Program. The average time between the dependency filing and the case review was 7.3 months for both the Family Court and control cases.
- Interviews with representatives of all the major professional groups involved in the Pilot Program. A total of 30 interviews were conducted during July and August of 2001. Interviews were conducted with the Family Division Judge, Magistrate, Clerk, Family Case Facilitators, the *guardian ad litem* assigned to all Family Division cases, and Multi-Disciplinary Review Team members. Interviews were also conducted with representatives of the following: Adams County Department of Social Services; the County Attorney's Office; treatment providers; the District Attorney's Office; the Public Defender's Office; Probation; and the private bar.



## User Reactions

The Pilot Program had its greatest impact on professionals who handle dependency cases. A dependency and neglect case was the common element for all of the cases handled through the Family Court Division. As a result, the reactions of this group of professionals are presented first.

### *The Dependency Court*


The Judge, Magistrate, Family Case Facilitators, and other court staff agree that all elements of the Pilot were important — bundling cases, having one-family/one-judge, using case status conferences, and utilizing a Multi-Disciplinary Review Team. Although they would offer several ways to improve the Program (discussed in **Summary and Conclusions**, below), the overall advice to another jurisdiction developing such a Program would be to include all the components.

The Family Court Judge and Magistrate agree that the combination of bundling cases and relying on one-family/one-judge created a more informed bench and offered a better opportunity to respond to the needs of the case. For example, in the Family Court Division, sentencing on a misdemeanor could take into account a great deal of information about the family’s needs and progress. A parent who was working hard at complying with the treatment plan might be given probation. As the Judge notes, greater insight into the family means:

I also know when to come down harder on a parent. In one case, that also included a felony that we didn’t hear, there were domestic violence and traffic charges. Dad missed the appointment with Probation for the pre-sentencing report. The criminal court judge bought his excuse. If we didn’t have the Family Court, he could have used the same excuse with me. But I knew that he wasn’t doing anything he was supposed to be doing on his plan. So I could be tougher. Family Court makes parents more accountable and provides greater public safety.

From his perspective, the Presiding Family Court Judge believes knowing more about a family also influences the Prosecuting Attorney’s position:





I know from my own experience hearing DUIs that if this is not a first offense, the D.A. will want jail time. In Family Court, the D.A. can see if the person is in treatment, is really trying, and jail won't help.


Bundling cases and having them heard by a single judge also eliminates the risk of inconsistent orders. The Judge says:

Despite all the advances in technology, I *know* that contradictory orders get entered all the time. I'll give you a real world example. [Before Family Court started] I was doing an Allocation of Parental Responsibilities for a family that had a D&N. The caseworker was recommending mom to have the primary responsibility. The dad objected. It could have been a toss-up about who got custody. They looked about the same. I saw a reference to a criminal case in the file and asked the worker if she knew what it was about. She didn't. I got on [the computer] and found out that mom's probation had been revoked in another county and she was going to jail! My experience with Family Court has confirmed my worst suspicions: conflicting orders get entered all the time.

The Family Court Magistrate offers another example of a narrow miss that happened in a case not assigned to the Family Court:

I had a delinquency case assigned to me. Another magistrate had a D&N on the same family. I had no idea about the D&N. In the delinquency, I was releasing the child to a grandparent. It turns out that in the D&N the grandfather was charged with sexually abusing children. In the delinquency, the child was charged with acting out sexually against another child. It really is a matter of the left hand not knowing what the right is doing. It took four hearings to get this straightened out instead of one. I would never want to go back to the old way of doing business.

The general consensus at the Family Court seems to be that two other components of the Family Court Pilot — the case status conference and the Multi-Disciplinary Review Team meeting — are worth keeping, but need revisions.





As utilized during the Pilot, both interventions seemed to occur too early in the case to be truly effective. The early timing was an attempt to help “front load” cases; forcing cases to be prepared and planned sooner rather than later. However, by holding the case status conference shortly after the adjudication, and convening the MDT soon after the status conference, there was often little case planning to do because too much information was still missing. For example, assessments and evaluations had often been scheduled, but not completed. The consensus at the Court is that both the MDT and case conferences could be used more effectively later in a case to help review progress and service gaps and to help resolve compliance issues.

There is also general consensus at the Court that the case status conference and the MDT review should not be part of every case seen by the Family Court. Rather, these interventions should be reserved for cases that are especially troubled, failing to progress, or where the professionals in the case need to discuss progress or gather new ideas. There are special concerns about placing unnecessary demands on the time of MDT members, who serve as volunteers. As the Magistrate notes, “The MDT is really the pearl of the Project, and we’re not using it right.”

***The Department of Social Services***

The case workers interviewed for this evaluation were all extremely positive about the concept of bundling cases. They believe the approach leads to a better informed judge and can have great benefits when the family’s problems are severe and problems with compliance arise. One worker says:

It’s good for the judge to see the family up close and personal. The judge can see why the kids are having problems. He can see the delinquency in context. He may be able to see that the kids are really doing pretty well, given what they are dealing with.

Workers would like to see felony cases included in the bundling. They are frustrated when the felony charges deter the dependency case from progressing. The parent who is pleading “not guilty” to criminal charges is often unwilling, and often advised against, acknowledging the need for services in the juvenile court proceedings. In the most serious cases, a possible voluntary relinquishment or involuntary termination of parental rights may





not be considered for a year or more while the criminal case inches forward. Workers believe that bundling felony cases into the Family Court would result in these cases being heard more quickly and children being moved into permanent homes more rapidly.

Attorneys who serve as County Counsel, the legal representative of the Social Services Agency, also like the idea of bundling related cases.

Bundling is effective. Everybody gets the bigger picture. It makes sense for everybody — me, the judge, the prosecutor, the parent’s attorney — to know what’s out there.

Initial concerns about the workload impact of the Family Court approach have diminished. County attorneys discovered that the hearings on bundled cases are longer than traditional dependency hearings — perhaps 25 minutes instead of 15 minutes — but worthwhile. In addition, County Attorneys says the Family Court Judge has been good about waiving their appearance at a hearing if it is not genuinely necessary.

Both case workers and attorneys for the workers are less enthused about the way the Multi-Disciplinary Review Teams and status conferences were used during the Pilot. They would clearly agree with the opinion voiced by the Court that case conferences should be used more selectively and later in the case. Workers and their attorneys would also support the idea of using the MDTs more selectively and later in the case. However, concerns about the MDTs were even more basic. There was no clear understanding among workers or their attorneys about the purpose of the MDTs. Some workers felt frustrated by not being part of the MDT meetings; others were uncertain whether they were obligated to adopt the MDT’s recommendations. Although workers and their attorneys said they accepted the idea that the MDT was supposed to be an aid to workers, not a means of undermining them, they felt the idea of an MDT should be revisited and fine tuned.

***Attorneys for Parents and Children***

The surveys returned by attorneys appointed to represent parents or children in dependency and neglect proceedings indicate that, compared to traditional cases, Family Court cases were rated more favorably on the degree of communication and coordination among the court, agency, and family. Family Court cases were also rated



as involving fewer court appearances and moving through the system more rapidly (see Table 1).

**Table 1. Surveys From Attorneys**


	All Cases		Excluding Cases With Only Traffic Cases in Addition to the D&N	
	Family Court	Control	Family Court	Control
Percent agreeing with the statement . . .				
The court designed services that fit the family's goals	72.4%	84.0%	75.0%	83.3%
The court improved agency coordination when different services were sought by my family	66.7%	38.1%	77.8% <sup>w</sup>	35.0%
The court improved communication between family, court, and agency	67.9% <sup>w</sup>	45.8%	73.9% <sup>w</sup>	47.8%
The court program promoted communication between the family and court	64.3%	45.8%	69.6%	43.5%
The court process worked to reduce the number of court appearances	76.7% <sup>w</sup>	26.1%	84.0% <sup>w</sup>	22.7%
The process met statutory time lines	82.6%	87.5%	94.4%	87.0%
The case moved through the system quickly	80.8% <sup>w</sup>	44.4%	86.4% <sup>w</sup>	42.3%
My time and staff were used efficiently	39.3%	40.7%	43.5%	38.5%
Innovative services/solutions were created	29.6%	26.1%	36.4%	22.7%
The court listened to what I thought was important	75.0%	71.4%	83.3%	75.0%
	(28)	(25)	(24)	(24)

<sup>w</sup>Differences between experimental and control group are statistically significant at .05

Interviews with the Family Court *guardian ad litem* and respondent parents' attorneys also reveal support for the Family Court approach, specifically for the bundling of cases. Attorneys note that in the past they were generally able to avoid conflicting orders or duplicate services. However, doing so required a significant amount of time and effort.

I think I always knew about the other cases. But 95 percent of the time I didn't represent them on those other cases so there was a lot of playing





My clients are no match for the social worker, and they're no match for an angry employer who is tired of them missing work.

***Delinquency, Criminal Court, and Probation***

Under the traditional case processing approach, attorneys — defense and prosecution — in non-felony criminal court and delinquency cases, as well as probation officers, are rarely directly involved in a dependency and neglect filing. Under the Family Court model, this has changed. The professionals who have been drawn into the child abuse and neglect system through the Family Court credit the Pilot with increasing their awareness of the family's needs and providing better services. One defense attorney notes:

I have a case where the mother has a D&N and the daughter who has her own baby also has a D&N. I represent the daughter on a separate delinquency charge. Without the Family Court there would have been two sets of D&N hearings and separate delinquency proceedings. We would try to coordinate the cases, but things fall through the cracks.

Like other professionals, attorneys and probation officers note that Family Court can require more of their time, but they believe the end result is better for families:

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I'm not sure how to solve the basic problem of the time that's required. But, I know these [Family Court] cases better, we all do. Maybe coordination in services happened in the past but it's more explicit now, and if it didn't happen in the past, of course, I didn't know about it.

A prosecutor notes that the Family Court approach has meant quite a few adjustments for his Office, but the end result has been worth the effort:

We now have crowds of attorneys at the hearings, and that slows things down, that's tougher. But, I would tell other jurisdictions that it's definitely doable, and I would tell them to do it. It can salvage lives, and hopefully keep families united in the process. And it probably prevents filings, too. It probably helps to deter delinquency.

From the perspective of the professionals involved in criminal proceedings, the only controversy surrounding the Family Court concept has to do with potentially





including felonies. District Attorneys do not favor bundling felony cases from the outset. As one D.A. says:

The last thing I want in court is a social worker asking for treatment, while I'm saying this person needs to go to prison.

On the other hand, there is support for bundling misdemeanor criminal cases, and the District Attorney's Office would support involvement in the Family Court for families who receive probation following a felony conviction.

### ***Multi-Disciplinary Review Team***

The Multi-Disciplinary Review Team was intended to provide a fresh perspective on complex dependency and neglect cases, specifically those with multiple court actions, and to draw on the knowledge of the broader community to generate ideas about new resources for serving families.


However, there is a widespread recognition, among the MDT, the court, and the other professionals who participate in the Family Court, that after one year of operations, it is time to reassess the role of the MDT.

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Not every case reviewed by the MDT could reasonably result in new service resources being identified. Nor did every case require additional or different services from those proposed by the case worker. Most MDT members note that the Social Services case plans they review are generally appropriate, and neither the MDT nor the Court wishes to convey the idea that the review is intended to "second guess" the social worker.

In revisiting and clarifying the role of the MDT, members would like more information about how the MDTs fit into the larger picture of Family Court. Most MDT members, other than those with experience in the child abuse and neglect legal system, have only a very vague idea about what is unique about the Family Court.

MDT members would also like to explore ways of getting to know, and getting input from, case workers. This might include having case workers present at the meetings. As one MDT member says, "we're moving away from the idea of critiquing the plan and more toward the idea brainstorming about what could be done." Another notes:



If I were just on the receiving end of my recommendations, I think I might resent it. I would wonder how someone who never met the family could know more about them. [MDT members and social workers] need to get to know one another better, to know each other's roles and the limits we're operating under.

## Profile of the Pilot Program Cases

Table 2 indicates that both Family Court and control group cases have an average of 2.1 children per family. Overall, the Pilot involved 57 children in Family Court cases, and there were also 57 children in the control group.

At the time of the dependency filing, the average age of Family Court and control group children was 8.0 and 6.5 years, respectively. Nearly a third of both groups had a child age two or younger in the household. However, the Family Court group was more likely to include an adolescent in the home.

	Family Court (n=27)	Control (n=28)
Number of children per family		
One	37.0%	37.0%
Two	29.6%	33.3%
Three	22.2%	18.5%
Four or five	11.1%	11.1%
Average children per family	2.1	2.1
Total number of children across all families	57	57
Ages of children in the family		
Family includes a child age 2 or younger	33.2%	32.1%
Family includes a child age 12 or older	48.1%	28.6%
Average age of all children in family	8.0	6.5

The reasons underlying the dependency and neglect filing were similar for the Family Court and control groups. There were no statistically significant differences between

the two groups with respect to the incidence of physical abuse, sexual abuse, neglect, or other types of maltreatment.

Families in the two groups were also equally likely to have been the subject of previous dependency/neglect filings. Just under 20 percent in both groups had a prior filing. The number of parties named on the current petition averaged 2.4 in both groups. In virtually all cases, the parents were named on the petition. Stepparents, parents' new partners, and other relatives were also named with some frequency.

**Table 3. Characteristics of the Dependency/Neglect Case**

	Family Court (n=27)	Control (n=28)
Reason for the dependency neglect filing		
Physical abuse	25.9%	21.4%
Sexual abuse	7.4%	7.1%
Neglect	14.8%	35.7%
Drug-exposed infant	3.7%	17.9%
Failure to protect child	7.4%	7.1%
Child beyond control of parents	14.8%	7.1%
Truancy	7.4%	3.6%
Abandoned	7.4%	7.1%
Other	25.9%	7.1%
Percent of cases with prior dependency and neglect filings	18.5%	19.2%
Parties named on the dependency/neglect petition		
Mother	96.3%	96.4%
Father	96.3%	100.0%
Stepfather	18.5%	10.7%
Stepmother	0.0%	3.6%
Mother's new partner	11.1%	7.1%
Father's new partner	0.0%	0.0%
Other relative	14.8%	17.9%
Average number of parties named on the petition	2.4	2.4



A review of the dependency and neglect files for the Family Court and control groups reveals that both groups have multiple problems. Among the most common of these

problems are violence between adults in the home and drug and/or alcohol abuse by a parent or caregiver. There was a somewhat higher incidence of alcohol abuse and a somewhat higher incidence of known domestic violence in Family Court cases. Families in the two groups are equally likely to involve such problems as drug abuse by a parent and/or mental illness of parent or an incarcerated parent.

**Table 4. Additional Issues for Family Court and Control Group Cases**

	Family Court (n=27)	Control (n=28)
<sup>W</sup> Domestic violence in the home	55.6%	28.6%
Mental illness of a parent or caregiver	3.7%	7.1%
Drug abuse by a parent or caregiver	40.7%	35.7%
Alcohol abuse by a parent or caregiver	29.6%	25.0%
Teen parents	11.1%	3.6%
Special needs child	0.0%	0.0%
Incarcerated parent	14.8%	3.6%

<sup>W</sup>Differences between experimental and control group are statistically significant at .05

Table 5 provides information on the number of the additional court cases — cases other than the “trigger” dependency/neglect case — that were discovered for both Family Court and control cases through a review of the computer system.

A total of 94 additional cases were identified in the 27 Family Court cases and 78 additional cases were noted for the 28 control group cases. This creates an average of 3.48 and 2.79 relevant cases, respectively, in addition to the trigger dependency/neglect filing. While most families in both groups had only two cases open, the number of open cases ranged from two to nine in the Family Court Group and from two to eight in the control group.

The additional, or companion, cases are a combination of those that were already open at the time the trigger dependency/neglect petition was filed and those that were filed while the dependency/neglect case was open.





<b>Table 5. Number of Companion Cases for Family Court and Control Group Cases</b>		
	Family Court (n=27)	Control (n=28)
Number of companion cases per family		
Two cases	48.1%	53.6%
Three cases	18.5%	32.1%
Four cases	11.1%	7.1%
Five to nine cases	22.3%	7.2%
Average number of cases per family	3.48	2.79
Average open at D&N trigger filing	1.7	1.5
Average number filed following D&N trigger filing	1.8	1.3
Total number of cases across all families	94	78

The Family Court and control group cases are comparable with respect to the types of charges they are facing in addition to the dependency and neglect filing that brought them into the Pilot. Traffic violation charges were pending against about a third of the cases in the Family Court and control group. Delinquency charges were pending against 18.5 of the control and 25.9 percent of the Family Court cases.

However, misdemeanor charges were the most common companion cases. Over half of the families in both the Family Court and control groups have misdemeanor cases pending. The nature of these misdemeanor charges is shown in Table 6. In almost half of all cases with misdemeanor filings, the misdemeanor is related to the abuse/neglect incident. However, other misdemeanor charges are the result of domestic violence or are related to restraining orders.





**Table 6. Types of Companion Cases**

	Family Court (n=27)	Control (n=28)
Traffic	33.3%	25.9%
Additional dependency neglect cases	14.8%	17.9%
Delinquency	25.9%	18.5%
Domestic relations	22.2%	14.8%
Misdemeanor*	59.3%	64.3%
If misdemeanor, type of misdemeanor		
Domestic violence	25.0%	5.6%
Temporary restraining order	6.3%	0.0%
Permanent restraining order	6.3%	5.6%
Probation revocation	12.5%	0.0%
Restraining order violation	18.8%	11.1%
Child abuse	50.0%	44.4%
Other	31.3	27.8

\* Due to small numbers, restraining order violations have been combined with other misdemeanors

**Outcomes**

This analysis compares the Family Court and control group cases on the following major variables:

- Evidence that hearings were more consolidated and/or more comprehensive;
- Similarities and differences in handling the dependency and neglect cases; and
- Similarities and differences in handling the companion cases.

***Overall Impact on Hearings***

One possible result of implementing a Family Court is a reduction in court hearings. By using a single hearing to deal with matters related to several different cases, the court might be expected to decrease the total number of hearings held per family. Table 7 explores this issue in two different ways.





The first set of figures is based on all events in the cases, regardless of whether some of these events occurred prior to the time the case was assigned to the Pilot. Because cases were randomly assigned to the Family Court or control group, the two groups should not vary significantly on such factors as when the companion cases were filed.

However, logically, the Family Court can only have an impact on what happens in a case after the dependency and neglect filing that triggers entry into the Program. Therefore, the second set of figures considers only events occurring after the dependency and neglect filing.

Both sets of figures show great similarity between the Family Court and control group cases with respect to:

- The total number of hearings held across all of the family’s cases;
- The number of hearings per filing;<sup>14</sup> and
- The amount of time between the first and last hearing held in the case.

The fact that the Family Court Pilot did not reduce the total number of hearings is not unexpected. Many of the professionals interviewed for this evaluation noted that the Pilot increased judicial awareness of the family’s problems and this probably led to closer monitoring.

**Table 7. Number of Court Hearings on All Types of Cases**

	Family Court (n=27)	Control (n=28)
Calculation using all hearings (includes hearings prior to the D&N filing)		
Total hearings from first to last filing for the group as a whole	240	234
Average hearings per family	8.9	8.4
Average number of hearings per case filing	3.1	3.1
<sup>w</sup> Average months from first to most recent hearing	5.2	6.6
Calculation using only hearings held after the D&N filing (i.e., Program selection)		
Total post-D&N hearings	238	214
Average post-D&N hearings per family	8.8	7.6
Average number of post-D&N hearings per case filing	3.1	2.8
Average months from first post-D&N hearing to the most recent	5.1	5.3

<sup>w</sup>Differences between experimental and control group are statistically significant at .1





There is evidence that the Family Court approach helped the Judge and other professionals to see the family’s problems in a more holistic manner. For example:

- Each hearing in the Family Court dealt with an average of 1.6 filings against the family, compared to 1.1 in the control group.
- All of the Family Court cases, compared to 39.3 percent of the control group cases, had at least one hearing that dealt with two or more filings.
- Among Family Court cases with juvenile delinquency, another dependency or neglect action, or a misdemeanor criminal charge, 93.8 percent had a hearing that dealt with one or more of these issues as well as the dependency and neglect case. In the control group the comparable figure is only 16.7 percent.

***Outcomes in Dependency Cases***

Both the Family Court and control cases were reviewed for case progress an average of 7.3 months following the dependency filing. At this time point, all of the cases had a court-ordered treatment plan in effect. Table 8 compares the terms and conditions of the plans for the Family Court and control group cases. The results indicate only one statistically significant difference — Family Court cases are more likely than control cases to involve court-ordered counseling or mental health services.

	Family Court (n=27)	Control (n=28)
Psychological evaluations	22.2%	39.3%
Drug/alcohol evaluation	70.4%	50.0%
Drug/alcohol testing	70.4%	53.6%
Drug/alcohol treatment	63.0%	53.6%
<sup>W</sup> Counseling	51.9%	25.0%
Parenting classes	22.2%	46.4%

<sup>W</sup>Differences between experimental and control group are statistically significant at .05

Overall, Family Court and control cases move through the legal system at a very similar pace. On average, in both groups, less than 24 hours elapses between the





shelter care hearing and the filing of a dependency and neglect petition. Approximately 8.5 days elapse in both groups between the D&N filing and the first advisement hearing. In the Family Court group, an average of 36.3 days elapse between the D&N filing and disposition. Although the figure for the control is 49.2 days, the difference between the two groups is not statistically significant.

At the time of the file review, the dependency case was closed for 14.8 percent of the Family Court and 10.7 percent of the control group cases. Among those still open, there were no statistically significant differences in case status.

In many respects, the lack of differences in case processing times between the experimental and control groups are expected. Federal and state statutes set very clear case processing time requirements. The 17<sup>th</sup> Judicial District is doing a good job of meeting these deadlines in all dependency cases. Given this, and the fact that case processing time lines are now so tight, it would be difficult for the Family Court approach to further shorten the amount of time prior to key time points, such as disposition or permanency hearings

Despite the overall similarities in case processing, it is true that only 7.4 percent of the Family Court cases, but 17.9 percent of the control group cases, experienced at least once continuance in their D&N case. Given the small number of cases in each group, this difference is not statistically significant but does warrant further study.

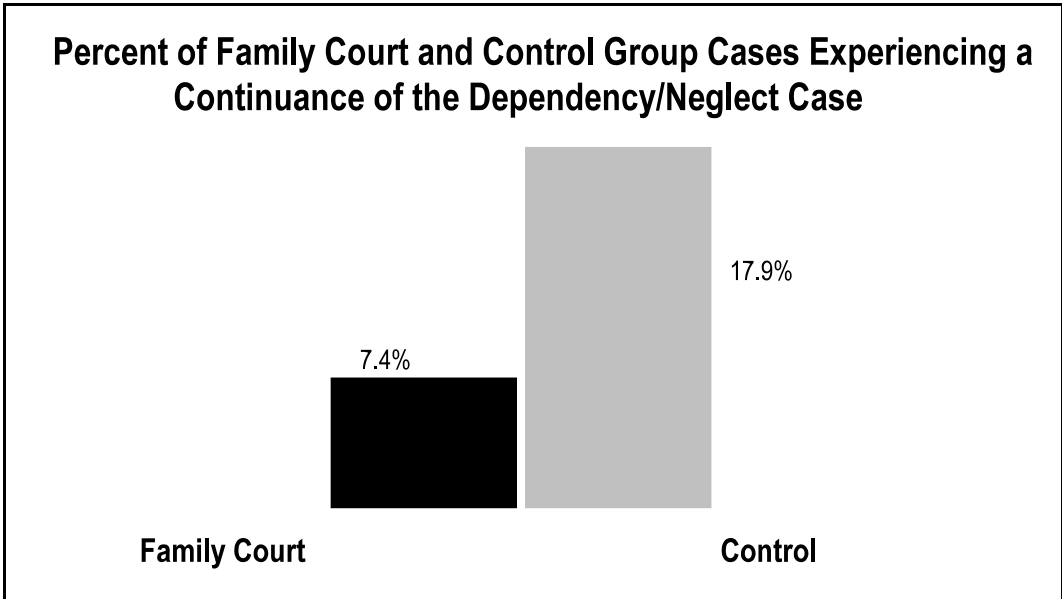


Figure 4





Most children in both the Family Court (70%) and control group (82%) were placed out of the home following the abuse/neglect report. A total of 38 control group and 38 Family Court children were placed.

In cases with out-of-home placement, Family Court children had shorter placements than did control group children. The average Family Court case with out-of-home care involved a placement of just over three months. For control group cases, the figure is over six months. Without additional research, it is only possible to speculate about why Family Court might reduce placement time. It may be that getting counseling and mental health services in place allows for faster reunification. It is also possible that dealing with misdemeanor child abuse cases in the Family Court prevented delays in providing services that sometimes result when parents and their attorneys wait for the resolution of a criminal case before focusing on the dependency

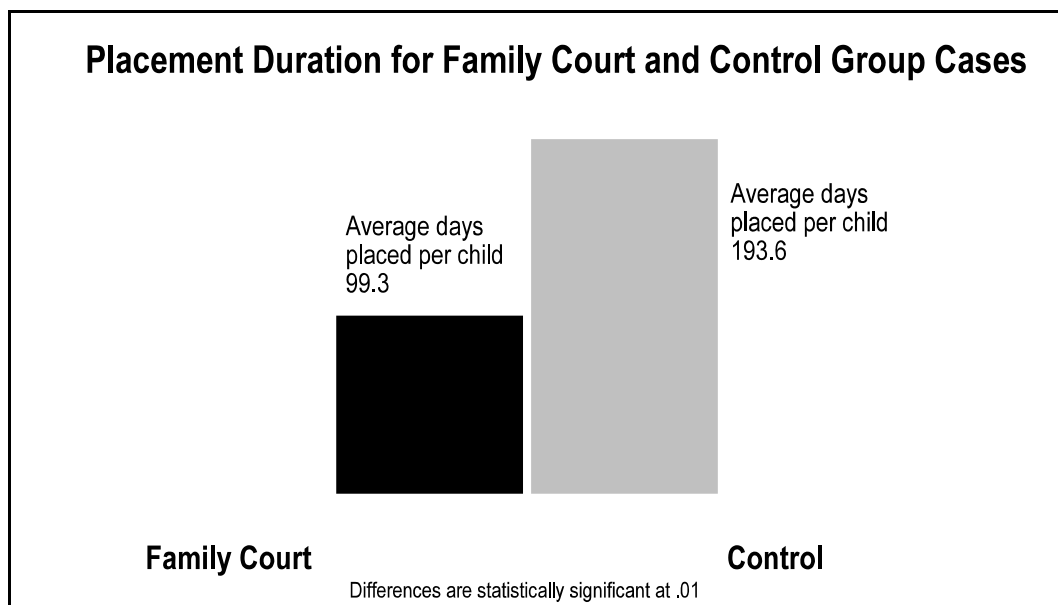


Figure 5

action.

Finally, there is evidence that the Family Court approach leads to court hearings that deal with the family's problems in a more comprehensive manner. Figure 3 indicates that, relative to the control group, Family Court cases are more likely to have multiple issues dealt with during a single day at court. All of the Family Court cases, but only



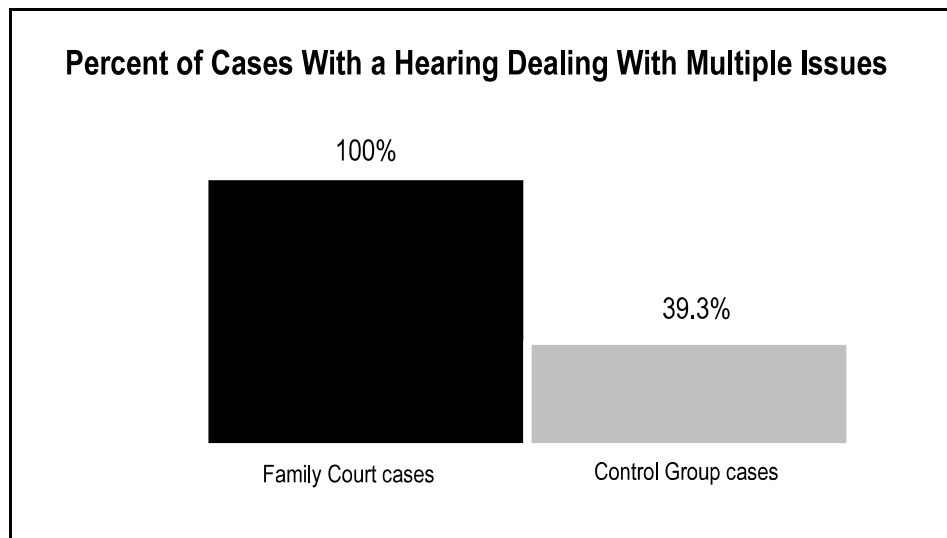


Figure 6

39 percent of the control cases, had a day in court that involved a hearing dealing with the dependency/neglect action, plus other matters.

***Outcomes in Companion Cases***

Cases with continuances on the D&N case also tended to have continuances on the companion case(s). In the Family Court group, 11.5 percent had a continuance on a companion case, in the control group the figure was 30.4 percent. However, the total number of hearings for the companion cases was very comparable for the two groups: 7.9 for the Family Court, and 7.1 for the control group cases.

There was evidence that control group cases are at risk of having orders that overlap in the services provided. For example, among the control group, 53.6 percent had some service related to substance abuse — drug or alcohol assessment, treatment, or testing — mentioned in two or more orders. In some of these cases, the parties’ attorneys may have intervened to ensure coordination or services, but there may have been duplication of services in other cases.

Finally, there is some evidence that the non-D&N cases seen by the Family Court moved more rapidly to resolution. At the time of the court file review, 88.9 percent



of the Family Court cases had a companion case that reached closure, compared to 71.4 percent in the control group.



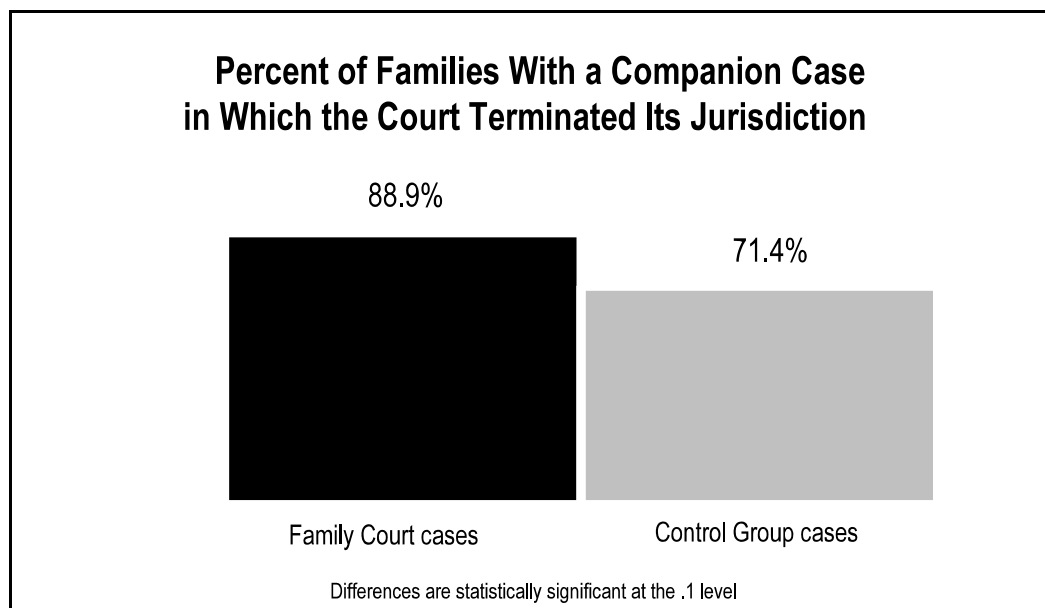




Figure 7

## Summary and Conclusions

### *Summary of Findings*

This evaluation cannot presume to be a definitive exploration of the costs and benefits associated with a Family Court. It is admittedly an exploratory effort to address the use of a Family Court approach in one jurisdiction in Colorado. Despite its limitations, the evaluation finds a number of extremely promising results:

- The consensus among dependency court professionals — judges, magistrates, attorneys who represent parents, the *guardian ad litem*, case workers, and attorneys for the Department of Social Services — is that bundling cases, and relying on one-family/one-judge, creates a more informed bench, offers a better opportunity to respond to the needs of the case, and can have great benefits when the family’s problems are severe and problems with compliance arise.
- The professionals who have been drawn into the child abuse and neglect system through the Family Court credit the Pilot with increasing their awareness of the family’s needs and providing better services.

- 
- Initial concerns about the workload impact of the Family Court approach have diminished.
  - The limited data available do not indicate that the Family Court Pilot reduced the total number of hearings. However, many of the professionals interviewed for this evaluation noted that the Pilot increased judicial awareness of the family's problems, and this probably led to closer monitoring.
  - There is evidence that the Family Court approach helped the Judge and other professionals to see the family's problems in a more holistic manner. For example, all of the Family Court cases, compared to 39.3 percent of the control group cases, had at least one hearing that dealt with two or more filings.
  - There is some preliminary evidence that the Family Court approach may produce somewhat different treatment plans. In this evaluation, Family Court cases were more likely than control cases to involve court-ordered counseling or mental health services.
  - Overall, Family Court and control cases move through the legal system at a very similar pace. Given the fact that case processing time lines for D&N cases are now so tight, it would be difficult for the Family Court approach to further shorten the amount of time prior to key time points, such as disposition or permanency hearings.
  - In cases with out-of-home placement, Family Court children had shorter placements than did control group children. The average Family Court case with out-of-home care involved a placement of just over three months. For control group cases, the figure is over six months.
  - There was evidence that control group cases are at risk of having orders that overlap in the services provided. For example, among the control group, 53.6 percent had some service related to substance abuse — drug or alcohol assessment, treatment, or testing — mentioned in two more orders.
  - Finally, there is some evidence that the non-D&N cases seen by the Family Court moved more rapidly to resolution. At the time of the court file review, 88.9 percent of the Family Court cases had a companion case that had reached closure, compared to 71.4 percent in the control group.
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### ***Recommendations and Conclusions***

While overall satisfaction with the Family Court approach is high in the 17<sup>th</sup> Judicial District, some changes are needed. The Court has recognized these needs, and plans are already underway to address the issues outlined below:

- The Family Court needs flexibility in deciding which cases to bundle.

It is difficult for one approach to do justice to the many diverse cases a single family may have filed with the court. Some cases may not warrant bundling, such as non-habitual traffic violations with no drug or alcohol involvement, or an isolated, minor ordinance violence. The Court is exploring a multi-track system that would allow some cases to be bundled, while other cases would continue through the traditional route, with the Family Court Judge simply apprised of the additional case filing.

- There may be benefits to be gained by including felonies in the types of cases the Family Court may choose to bundle.


The idea of bundling felonies is controversial and does not have uniform support. However, in some instances, bundling or otherwise expediting the resolution of the felony charge might be the key to making progress in the dependency filing. The Court should continue to study ways to bundle felony charges while addressing the concerns of prosecutors and should consider testing methods of incorporating felonies into the Family Court.

- The Court should reevaluate and clarify the purpose the Multi-Disciplinary Review Team and the case status conference.

The early use of the MDT and status conference was intended to front-load case processing and prevent later problems. However, at the earliest stages of case processing, the information needed for case planning is still being collected, and the options in the case are often not clear. In addition, using the MDT and the status conference in *all* Family Court cases is probably not warranted. These interventions should be used selectively in the most problematic cases and should occur after the issues and disputes have been identified.

- Creating more flexibility in the types of cases seen by the Family Court and in the use of interventions (such as the MDT or case status conference) underscores the need of extensive case management in the Family Court.





With more case processing options comes the risk of cases being assigned to the wrong track or inefficiently processed. Strong case management will ensure that cases receive the appropriate services.

- Judges serving on the Family Court should be allowed a longer than usual rotation.

Recommendations from the Court Improvement Committee for the Colorado Supreme Court Commission on Families in the Colorado Courts include:<sup>15</sup>

- Assign experienced judges to dockets with family law cases and ensure that priority is given to judges who are committed and who volunteer to serve in this area.
- Judges handling family law cases should serve in this capacity for at least a three-year term before a rotation may occur.

The need for a skilled, committed, stable judiciary is especially critical in the effective functioning of a Unified Family Court.


In general, the results of this preliminary evaluation are consistent with the conclusions of the Court Improvement Committee for the Colorado Supreme Court Commission on Families in the Colorado Courts:


As a result of the two-tiered court structure and specialized dockets, families who face multiple court filings frequently find themselves appearing before several judges on several different dates . . . The lack of communication, coordination and collaboration which is systemic under the current court structure is both cost ineffective and overloads families with requirements that cannot reasonably be met. *Perhaps most important, this structure creates gaps in much needed services and treatment. These gaps can place children and other innocent individuals at risk; circumvent accountability; and frustrate efficient, just and speedy resolution of issues.*<sup>16</sup>





## End Notes

1. National Symposium to Achieve Prompt and Affordable Justice in Family Law Cases.
  2. Court Improvement Committee for the Colorado Supreme Court Commission on Families in the Colorado Courts, "Colorado Courts' Recommendations for Cases Involving Families: A Discussion Paper," Colorado Judicial Branch, May 2001.
  3. Flango, V. and H.T. Rubin, National Center for State Courts, 1992.
  4. *Child Court Works*, Vol. 2, No. 5, September 1998.
  5. Ross, C., "The Failure of Fragmentation: The Promise of a System of Unified Family Courts," *Family Law Quarterly*, Vol. 32, No. 1, Spring 1998.
  6. Babb, B., "Where We Stand: An Analysis of America's Family Law Adjudicating Systems and the Mandate to Establish Unified Family Courts," *Family Law Quarterly*, Vol. 32, No. 1, Spring 1998.
  7. Ross, C., "The Failure of Fragmentation: The Promise of a System of Unified Family Courts," *Family Law Quarterly*, Vol. 32, No. 1, Spring 1998.
  8. American Bar Association, "What is a Unified Family Court?"
  9. Ross, C., "The Failure of Fragmentation: The Promise of a System of Unified Family Courts," *Family Law Quarterly*, Vol. 32, No. 1, Spring 1998.
  10. Flango, C, V. Flango, H.T. Rubin, "How are Courts Coordinating Family Cases?" National Center for State Courts, 1999.
  11. Flango, C, V. Flango, H.T. Rubin, "How are Courts Coordinating Family Cases?" National Center for State Courts, 1999, p. 24.
  12. Adams County Family Court Pilot Program, "Policies and Procedures," January 2001.
  13. Family members and other professionals (social workers, therapists, etc.) were also surveyed, but their surveys are not used in this analysis. There were only seven surveys completed by social workers with Family Court cases, eight surveys from social workers with control group cases, and only two surveys completed by other types of professionals. These small numbers cannot produce statistically valid results. A total of 23 surveys were returned by control group families and 23 from Family Court families.
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However, a preliminary analysis indicates that the control and Family Court families were significantly different: the experimental group had an average of 4.2 cases, while the control group had an average of only 2.4. Indeed, only 3 control group surveys, but 16 Family Court surveys, were from family members with more than two cases. The inherent differences between the groups makes it less useful to compare their reactions on how well the court coordinated cases, shared information, or moved cases along.

14. Family Court cases had slightly more filings per case. As a result, they might be expected to have slightly more hearings, even if the Pilot did help reduce hearings.

15. Court Improvement Committee for the Colorado Supreme Court Commission on Families in the Colorado Courts, "Colorado Courts' Recommendations for Cases Involving Families: A Discussion Paper," Colorado Judicial Branch, May 2001, pp. 29-36.

16. Court Improvement Committee for the Colorado Supreme Court Commission on Families in the Colorado Courts, "Colorado Courts' Recommendations for Cases Involving Families: A Discussion Paper," Colorado Judicial Branch, May 2001, p. 10.

