





**Families in Court:
Issues and Answers**

**Justice Barbara Pariente
Children's Cabinet presentation
January 31, 2012**



The Mission

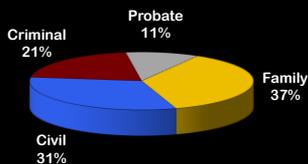
“The legal system should focus on the needs of children who are involved in the litigation, refer families to resources that will make their relationship stronger, coordinate their cases to provide consistent results, and strive to leave families in better condition than when they entered the system.”

In Re Report of the Family Court Steering Committee, 794 So. 2d 518 (Fla.2001)(unanimous opinion)

What are the issues?

- Sheer numbers
- Complex non-legal issues- mental illness, substance abuse, educational failure, family dysfunction
- multiple contacts with court system

Fiscal Year 2010 – 2011 Circuit Court Filings



Florida's family court filings were **37%** of the total circuit court filings in fiscal year 10-11.

Source: Florida's Summary Reporting System

Family Court Filings

| | 2010-2011 | 2003-2004 |
|--------------------------------|----------------|----------------|
| Dissolution | 97,510 | 103,216 |
| Domestic Violence | 87,788 | 90,694 |
| Child Support | 52,698 | 38,668 |
| Delinquency | 52,351 | 77,532 |
| Dependency | 9,497 | 13,457 |
| Termination of Parental Rights | 2,986 | 2,918 |
| Other Family Court | <u>46,392</u> | <u>51,944</u> |
| TOTAL | 349,222 | 378,429 |

Source: Florida's Summary Reporting System

COMPLEX CASES

“ Many of the cases in state courts today are not complicated legal matters. But they do involve people with complicated lives. These are new issues for the courts, and yet judicial responses tend to be firmly rooted in the past.”

- Chief Judge Judith Kaye, New York Court of Appeals
Newsweek, 1999C

“In each court file is a child, a family – an entire story.”
We must see the issues through the eyes of the child



What's the answer?

- An integrated, comprehensive approach to handling cases involving children and families using practices that promote informed decision making and employing strategies that empower families

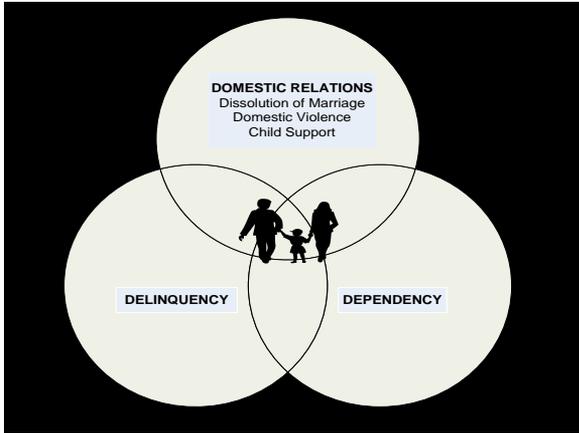
The Mission

- A problem solving court
- Providing services to families at the earliest possible time
- Differentiated Case Management
- Mediation and less adversarial litigation
- Judges looking at the big picture to make more informed decisions in the best interest of children
- Collaboration with local service providers and stakeholders

Case Types within Family Court

- dissolution of marriage
- paternity
- child support
- adoption
- civil domestic and repeat violence injunctions
- juvenile dependency
- termination of parental rights
- juvenile delinquency

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



Brief History of Florida's Unified Family Court

- 22 years ago the Legislature's Commission on Family Courts called for the development of specific guidelines for the implementation of a family law division within each judicial circuit.

ON LINE RESOURCES

http://www.flcourts.org/gen_public/family/familycourts.shtml

Brief History of Florida's Unified Family Court

- **1991- *In Re Report of Commission on Family Courts, 588 So. 2d 586, 587 (Fla. 1991)***
 - Primary focus was protection of children in court and improved resolution of family problems
 - Emphasized providing support services
 - Identified need for case coordination staff
 - Stressed importance of a fully staffed mediation program

Brief History of Florida's Unified Family Court

- **1994 - *In Re Report of the Commission on Family Courts, 633 So.2d 14 (1994)(Family Court II)***
 - Goal of a family court was to establish a “comprehensive approach affecting the same family”
 - Trial courts must coordinate and maximize court resources
 - Courts must establish necessary linkages with community-based resources

Brief History of Florida's Unified Family Court

- **2001 - *In re Report of Steering Committee, 794 So. 2d 518 (Fla. 2001)***
 - Endorsed the twelve guiding principles of a family court
 - Explained the essential elements of a family court
 - Mandated certain requirements for each circuit to operate a family court
 - Recognized that “case management and coordination is a defining characteristic of a model family court”

Unified Family Court

- Case Management
- Coordination
- Collaboration
- Less Adversarial Approach

Coordination

- Coordination of multiple cases involving one family
- Prevention of multiple hearings
- Prevention of conflicting orders
- Identifying social issues in family problems
- Obtaining critical information
- Referrals to community resources

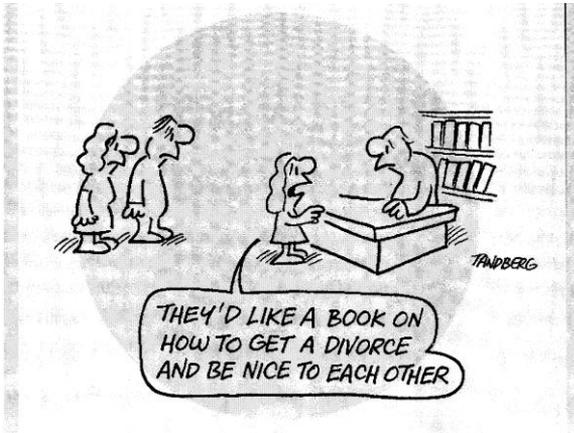
Collaboration

- Collaboration among the judiciary, stakeholders and community to provide access to an array of services for families

Less Adversarial Approach

- Less adversarial approach to handling family cases that focuses on minimizing harm to the child while balancing due process concerns
- "...the traditional adversarial process is detrimental to children because it drives parents farther apart at the time their children need them to work together to restructure their system of parenting"

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



The Goals

- Case Management will provide more time
- Consolidation or coordination will prevent conflicting orders
- Increased use of alternative dispute resolution will provide a more long-lasting solution
- Collaboration with stakeholders and the community will maximize the benefit to children and families.
- Access to all critical information allows for informed decision making and minimizes harm to the child

Statewide Steering Committee

- Ongoing for the past 17 years
- Multi-disciplinary membership
- Charges set by administrative order:
 - Ways to provide meaningful access by self-represented litigants
 - Develop a Dependency Court Improvement Program
 - Recommend strategies for improving communications for stakeholders
 - Develop recommendations for characteristics of a model family court

Families in Court The Vision



FAMILIES IN COURT

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.

1/29/2012

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



“For Children are not just our future; children are our present. What we do today or fail to do can and may forever alter their future. The lives of children and their families can forever be changed by our action – or inaction.”

-Justice Barbara J. Pariente
Florida Supreme Court Justice