



**WASHINGTON STATE CENTER
FOR COURT RESEARCH**

Administrative Office of the Courts
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**An Evaluation of Unified Family Court
Pilot Sites in Washington State
Executive Summary**

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EXECUTIVE SUMMARY

§ INTRODUCTION

In this study Unified Family Court (UFC) models are assessed in three different pilot sites in Washington State, applying several qualitative and quantitative data techniques to each. Although general themes emerge, the three sites employed different UFC models and one must really have some background on the operations of each site in order to place the results into an appropriate context. Thus this executive summary is really three summaries (and more, including the full report's Table of Contents). Some general findings and background are presented first, followed by a summary of the results for each of the three pilot sites. Recommendations and some final remarks conclude the report.

Summary of Key Findings

- Empirical verification that UFC leads to a reduction of redundant and/or conflicting judicial orders
- Empirical verification that UFC treatment has a positive effect on compliance with court-ordered services
- Consensus support that UFC improves continuity of judicial oversight
- Consensus support that UFC cases require more time and resources at the 'front-end' - with an anticipated future payoff
- Consensus support of UFC case management benefits to children, clients, and the family
- Consensus support for the importance of case management practices that gather and organize critical information, are proactive in identifying issues, and maintain a higher level of monitoring.
- No empirical validation for UFC reducing either continuances or court appearances
- No evidence of an increased reliance on Alternative Dispute Resolution (ADR) methods under UFC
- Consensus support for the importance of judicial leadership in establishing effective procedures and maintaining commitment
- Lack of resources to support the model is a continuing concern
- Consensus view that collaboration among all parties is necessary for resolving complex issues and establishing accountability
- Lack of legal assistance in family law matters negatively impacts any efficiency gains of UFC
- Judicial decision-making significantly benefits from specialized training and longer rotations

Policy Recommendations

- For each implementation, a clear definition of UFC should be developed and communicated to all involved parties. Program objectives and expectations need to be clearly articulated at the beginning and reinforced throughout the process.
- A strategy should be developed to promote greater litigant awareness and buy-in, and to effectively communicate to them that they are participating in a problem-solving court.
- All judicial officers should receive cross-training in juvenile and family law.
- Attorney should receive training that is specific to UFC, focusing on their roles and relevant court procedures and rules.
- A state court rule should be established setting long-term rotations for UFC judicial officers in jurisdictions of significant size.
- Legislation regarding specific information sharing and use would eliminate guesswork for all parties. It could be mandated that judges be given information on all open cases for a family when children are involved, in addition to information and history on all dependency cases.
- Development of information systems that address the UFC model and provide users the ability to screen for and review cases in detail.
- State funding for staff to help adequately support the model.

Background & Purpose

Families involved with the legal system often present a variety of overlapping difficulties (legal, familial, psychosocial) that are likely to be managed and addressed separately in a typical family court environment. Advocates of a more unified approach believe that a Unified Family Court (UFC) model creates a more holistic and consistent way to address the needs of families - one that ultimately leads to better outcomes and reduced future contact with the legal system. Under this model, one judicial team becomes familiar with a family's multitude of cases and issues and provides a milieu for more informed judicial decision making and case management. Experienced and well trained judges and staff are viewed as essential to the functioning of this specialty court in which knowledge of child development, chemical dependency, child abuse and neglect, mental illness, and other issues such as domestic violence can improve judicial decision making. Thus Unified Family Court is a combination of philosophical approach, judicial procedures, and specific expertise.

In 1995, the National Council of Juvenile & Family Court Judges (NCJFCJ) published general guidelines to improve practices in child abuse and neglect cases. Recommendations included “direct” calendaring for a one-family/one-judge approach to these cases over time and improved case flow management - two components of the more recently developed UFC model. In the 1990s, separate centralized family court facilities emerged to meet the needs of children and families, with such facilities having been cited as key features to UFC implementation. Features of such facilities include on-site drug testing, enhanced security sensitive to domestic violence risks, and child waiting areas - all of which serve to enhance the centralized approach to working with families.

In response to the significant case overlap and increasing complexity of issues and laws affecting families in Washington State, the State Legislature in 1999 established the Unified Family Court Pilot Project. The Administrative Office of the Courts (AOC) was charged with the evaluation component of this project, with attendant funding for UFC pilot sites in judicial districts with “...statutorily authorized judicial complement of at least five judges.” A Request for Proposal (RFP) process resulted in three funded sites located in King, Snohomish, and Thurston Counties. Although each of the three sites implemented the UFC criteria with different models, common components include: 1) a one judge/one judicial team approach, 2) consolidated or bundled case proceedings, 3) enhanced judicial training in child development and family issues, and 4) comprehensive and coordinated legal and social services.

The purpose of the evaluation is threefold: (1) to evaluate and report to the Washington State Legislature the extent to which the three UFC pilot sites are meeting stated objectives, (2) to provide consultation and feedback in the form of recommendations to the pilot sites regarding organization, procedures, and policies, and (3) to provide practical information regarding the operations of Unified Family Courts for other jurisdictions considering implementing such a court. Evaluation objectives were derived from the legislative intent and the stated goals of the programs. In all, six objectives were identified and this study seeks to evaluate how well the pilot sites have implemented these objectives:

- 1) Better Informed Judicial Decision-making**
- 2) Improved Efficiency and Timeliness of Case Processing**
- 3) Better Access to and Coordination of Services**
- 4) Emphasis on Providing Alternative Dispute Resolution (ADR)**
- 5) Reduction in Post-Resolution Litigation**
- 6) Better Family Outcomes**

A review of the relevant literature revealed little empirical research establishing the effectiveness of the UFC model. One study by the National Center for State Courts (2000) sought to evaluate three sites in Minnesota and faced similar challenges to the current evaluation in Washington. An attempt to make pre- and post- comparisons within families proved difficult due to different case compositions and the large number of cases filed much earlier than the study period. That evaluation did find a significant relationship between the duration of a case and the number of judicial officers involved with one family. In another study of a family court pilot program in Adams County, Colorado, although quantitative analyses were limited, results suggested a trend towards reducing the total number of hearings and time to resolution for dependency and neglect cases heard in the pilot court. Consensus among professionals working in this court was that the bundling of cases created a more informed bench and allowed a family's problems to be approached in a more holistic manner. Recommendations included assigning experienced judges and requiring longer rotations (at least three years) for judges assigned to family court.

Similar to the above cited studies, a combined qualitative and quantitative approach was used to evaluate the three Washington State UFC pilot sites, with similar limitations in the quantitative measures. In all three sites, UFC families and appropriate comparison families were identified, and associated data drawn from court and social services databases to assess potential differences. Qualitative analyses include professional surveys and interviews, litigant focus groups, and observations. All methods focus on the UFC objectives defined above and also take into account the NCSC's *Trial Court Performance Standards*.

Data Sources & Methodology

The population of interest was families with children that have multiple cases in the juvenile and family court system. Common actions are dependency, marriage dissolutions, paternity, child custody, and domestic violence. Generally, the criteria included families with at least two family law, dependency, or children in need of services (CHINS) cases and/or multiple filings of domestic violence protection orders, parenting plan orders, or modifications. Additionally, parties were identified as potentially benefiting from more intensive UFC case management either for monitoring of compliance with services or to track cases.

Semi-structured interviews conducted by AOC researchers gathered information from key informants and stakeholders. The interview was designed specifically for the purposes of this research and focused on general UFC issues such as case

processing, interviewees' perceptions of judicial decision-making, access to and coordination of services, and staff responsibilities. Additionally, a practitioner survey was distributed that focused on the perception of professionals with UFC experience on various environmental, process, and outcome factors.

Collecting useful litigant input proved to be difficult, although not unexpectedly so given the inherent difficulties in reaching the study population. Although surveys are relatively easy to distribute and collect for the litigant population, they are often tainted by social desirability and selection bias. A pre-survey launched in King County was deemed insufficient to fully capture litigants' family court experience. For this reason a focus group methodology was developed to capture this data. Although focus group results cannot in most cases be generalized they allow for a fuller explanation of the purpose of the evaluation and less pre-definition of potential responses than does a survey.

As researchers in the previously cited studies noted, finding meaningful quantitative measures that address the UFC objectives proved difficult. Additionally, even though we established some type of study groups in all three sites, the three study designs differ in significant ways. Thus direct comparison between sites of most measures is problematic at best and in many cases invalid.¹ For each site, data from three different sources was gathered in an attempt to find objective measures that might indicate differences between UFC and non-UFC outcomes. The three data sources are: (1) the statewide Judicial Information System (JIS), (2) individual case file reviews in the three pilot sites, and (3) Department of Social and Health Services (DSHS) databases. In most cases, the analyses consist of descriptive statistics and between group comparisons.

Core evaluation questions that require objective measurement of case management data are addressed primarily from data in JIS. These measures include an array of data elements such as the underlying cause of action, proceedings held, appearances, continuances, active time from filing to case resolution, and other important elements from each study case docket.

Other data necessary for addressing core evaluation questions, specifically services ordered and compliance with court orders, were generated from a review of the physical case files for treatment and non-treatment cases. AOC research staff was on site to design the collection protocol and to review case files as needed in the early stages of the data collection.

¹ See the full report for more details.

Finally, it was determined that DSHS data could help to identify the range of services received for UFC families and out of home placements and time in foster care for children in dependency cases. Data were requested from three divisions of DSHS (Mental Health, Alcohol and Substance Abuse, and Children's Administration) for those UFC and identified comparison families. The main issue with using DSHS data is the ability to match individuals. Incomplete matches reduce the sample size and can introduce biases if non-random factors are inherent in the matching process.

With the exception of the case file review measures dealing with services ordered, most of the quantitative measures yielded few statistically significant results. In the discussion below, results from the various data sources and analyses are blended together in an attempt to fully address each of the objectives.

§ GENERAL RESULTS

UFC Goals, Strengths, and Weaknesses

In the semi-structured interviews, interviewees were asked to define the UFC goals and indicate level of accomplishment. Those interviewees listing increased efficiency, judicial economy, and consistency were more likely to choose "high accomplishment in all goal areas." Goals rated as low or low to substantial accomplishment seemed related to limited resources such as availability of services. There was some concern expressed regarding the goal of expeditious case processing, which could compromise family and individual outcomes.

When interviewees were asked about the strengths and advantages of the UFC model, several general themes emerged:

- **Monitored compliance and accountability in family law matters leads to better information that improves decision-making.**
- **Coordination of cases and long judicial rotations lessen the likelihood of litigants abusing the system because judicial officers are familiar with all of the issues.**
- **UFC planning conferences are very effective for:**
 - ✓ **identifying issues and goals**
 - ✓ **communicating required steps for all parties**
 - ✓ **taking a problem-solving approach to the family's issues and not focusing exclusively on procedural issues.**

Several weaknesses of the UFC model were identified, some of which were due to a lack of funding as opposed to the UFC model per se. These included:

- **Lack of attorney representation for family law cases**
- **Disruptive impact of frequent judicial rotations**
- **Lack of resources to support the model**

The lack of attorney representation was noted by interviewees in all sites. Self-representation in high-conflict or complex cases can significantly impact the efficiency of any court but is especially acute in a UFC which is more weighted towards litigants involved in these types of cases.² Because strong judicial leadership is so important in the UFC model, frequent judicial rotations were viewed as disruptive, resulting in differing interpretations of procedures. Commitment to the model may vary by judicial rotation and absence of protocol in some situations was viewed as rendering UFC “personality dependent.” A third weakness consistently noted among sites was the lack of resources available to support the model. This theme was applied to lack of funding to support a UFC coordinator/case manager position or additional positions that would allow UFC to serve more families.

Several success factors or potential hindrances were identified:

- **Collaboration among parties was viewed as central to the UFC model - a step away from the adversarial process that was viewed as not always appropriate for families.**
- **Judicial leadership and a core group of judges that are able to focus on family law issues emerged as critical for success, especially in the startup phase.**
- **A negative aspect of working in UFC included resistance of others to the model. Interviewees in all three sites expressed frustration at working with litigants who were not motivated to change, who attempted to take advantage of the system, and often have “insolvable” problems.**

The resources most lacking in all three sites were social and treatment services for UFC litigants. Interviewees acknowledged that this is a systemic problem, not one specific to UFC. This was echoed by litigants in the focus groups where a consistent theme was the considerable burden of being compliant with court-ordered services. Nevertheless, interviewees noted that UFC utilizes these

² Additionally, this can be confusing for litigants if families with multiple cases may have representation in other actions (e.g., dependency) under UFC.

limited resources more efficiently, because services are not duplicated and because families' cases are brought together. As detailed later, there is empirical support for this in the case file data we collected on services ordered and compliance rates.

Strong case management and coordination with a committed clerk's office was viewed as essential to UFC, regardless of the model. It is necessary to identify and coordinate multiple case types in a system where it is difficult to identify cases by family and some files are sealed. All jurisdictions in the state have access to the statewide Judicial Information System (JIS)³; however, the system is not well-suited for information sharing - either across cases or across jurisdictions. King County has developed an in-house Web-based system for case tracking and management; however, most jurisdictions lack the resources and expertise for IT development projects.

UFC Objectives

In order to address the degree to which the three pilot sites are meeting the six specific objectives outlined in the introduction, several measures - both qualitative and quantitative - were employed. While there are differences among the sites in definition, philosophy, and study design, some general themes and results do emerge. These are summarized below for each objective.

Objective #1: Better Informed Judicial Decision-Making

Among the six objectives, this is arguably the one over which the court has the most control and does not require significant additional resources. In addition to judicial commitment, the crucial elements here are better and more efficient information-sharing strategies and solutions. This does not require a UFC implementation; however, an effective UFC model makes it imperative. Outside funding would be helpful in the further development of an information technology system that more effectively manages information.

The results with respect to this objective were consistently favorable for UFC. Sources of information to address this objective came exclusively from the qualitative data sources - namely interviews and the practitioner survey. **Interviewees noted that the screening process for UFC case management brings a family's multiple issues together and provides judicial officers with full information in larger jurisdictions. This holistic approach was viewed as a shift in attitude from reactive to proactive.** The traditional case by case

³ JIS is an information technology system used by the courts for case management.

approach was viewed as spending time on redundant matters with no cohesive direction. Additionally, interviewees regarded judicial education as a necessary component towards advancing the goal of enhanced decision making.

Questions pertaining to this objective in the practitioner survey were also favorable for UFC:

- Seventy-nine percent (79%) of survey respondents rated the UFC environment as **better** in establishing "**Continuity of judicial oversight**"
- Sixty-six percent (66%) of survey respondents rated the UFC environment as **better** for "**Judicial understanding of the complexities of family-case issues**"

Objective #2: Improved Efficiency and Timeliness of Case Processing

Many factors, both internal and external, will impact efficiency. One critical factor will be support of the model by all key players. Internally, if part of the bench is not receptive to the UFC model then necessary resource allocations may be limited. The county clerk's office and other court staff are crucial for managing the information that is central to the UFC model. Externally, the extent of buy-in of attorneys, social workers, and community service providers will also impact this objective. These key players are potentially a factor in both the population referred to UFC and in the behavior of litigants. All of these factors will be reflected in the caseload measures.

A general consensus emerged among interviewees that UFC case coordination allows for increased efficiency, yet requires more immediate resources in pursuit of long-term goals. Judicial officers across all three sites agreed that UFC increases their workloads. This is due to the multiple case types per family that require more extensive file review. UFC also reportedly increased judicial officers' administrative responsibilities and community activity. On the other hand, it was noted that combining cases enhanced efficiency of the judicial officer's time. Attorneys also noted that they spend more time on cases.

There were several questions on the practitioner survey that pertained to this objective. Some findings included:

- Sixty-five percent (65%) of respondents rated the UFC environment as being **better** for "**Resolution of procedural difficulties**"
- Sixty-two percent (62%) of respondents rated the UFC environment as being **better** for "**Scheduling of events for case disposition**"

- Sixty-two percent (62%) of respondents rated the UFC environment as **no different** for "Trial date certainty"

A strong majority consensus emerged that UFC produces fewer inconsistent or conflicting orders. This was affirmed by 75% of all survey respondents and 86% of those with recent experience in UFC. Empirical evidence via our case file review supports the reduction of duplicate orders in UFC. It is worth noting that this result was consistent across all sites even though different UFC models are employed. Overall, the percentage of duplicate orders was about twice as high in our comparison groups relative to the treatment groups.

Quantitative measures pertaining to this objective consist of either duration between events (e.g., case filing-to-resolution time) or event counts (e.g., number of continuances). Since the three sites vary in design, there was no attempt at global measures. **For each of the sites, most of the case management statistics suggested no statistically-significant difference or no discernable trend between UFC and non-UFC cases.** This is not unexpected given the complex nature of the population's cases coupled with the fairly small sample sizes. The lack of any clear difference or trends was corroborated by the practitioner survey.

When interviewees were asked to compare the number of court appearances in the UFC versus non-UFC setting, the most common response across all practitioner groups and all counties in our survey was "about the same." The same is true for continuances. The measures from JIS were inconclusive for both appearances and continuances.⁴

Respondents were split fairly evenly between the view that UFC requires about the same amount of time for case resolution (40%) and the view that it requires less time (37%). Similarly, permanency⁵ in dependency cases was deemed to require about the same time by 41% of respondents, but less time by 40% of respondents.

Objective #3: Better Access to and Coordination of Services

This objective will be somewhat dependent upon outside constraints, particularly the availability and affordability of service providers. The cost (in both time and money) of services was a key issue with litigants in the focus

⁴ This is partly explained by the fact that these measures are necessarily drawn from the JIS docket codes which often lack consistency in usage and interpretation.

⁵ Permanency refers to a permanent placement for the child.

groups.

Case file review measures dealing with services ordered and compliance consistently showed fewer services ordered, fewer duplicate orders, and greater compliance with court-ordered services in the UFC setting versus a non-UFC. The results were also consistent with the differences in the models between sites - namely, stronger in King which emphasizes services versus Snohomish where services are typically nearly complete by the time a family enters the UFC.

From the practitioner survey, a slight majority (53%) of respondents rated the UFC as **better** with respect to the "**Court ordering appropriate services.**" Respondents with more recent UFC experience came in higher at (61%).

On the practitioner survey this objective was more indirectly addressed by asking respondents to rate, on a scale of one to four, the overall helpfulness of UFC case management practices. Across all sites, respondents overwhelmingly (over 70%) rated UFC case-management as either helpful or very helpful with respect to their client, the children/child, and the family.

Objective #4: Emphasis on Providing Alternative Dispute Resolution (ADR)

This objective will be affected by the availability of affordable options, existing court rules, and applicability. For example, in King County ADR is mandatory via a court rule which would impact our treatment and control groups equally. On the other hand, in a dependency-driven model such as in Snohomish, ADR would be rarely - if ever - used due to the nature of the action. Thus, even under the assumption that reliable measures are available, it is questionable that one could expect a priori that significant differences would be found between UFC and non-UFC groups. For the most part, this objective would likely be met more through a creative use of ADR resources which would be difficult to quantify.

Thurston County is the only site that places any significant emphasis on ADR. This was confirmed in the practitioner survey in that the majority of respondents (60%) rated the UFC as **no different** in "**Use of alternative dispute resolution**" **except in Thurston** where (54%) rated the UFC **better**.

Objective #5: Reduction in Post-Resolution Litigation

This objective, along with #6 below, represents the long-term raison d'etre for the UFC model and is one in which the effectiveness of the model should clearly be reflected when assessing data longitudinally. Overall, significant differences in

post-resolution events between UFC cases and non-UFC cases are not evident in the study groups. There are two issues to consider in evaluating this result - the first being quite crucial. First, this long-term objective cannot be adequately addressed within the timeframe of this study. The UFC model is predicated on the assumption that long-term reductions in litigation often require fairly intensive and lengthy front-end work dealing with a family's many issues. This assumption cannot be addressed here since the study time frame is weighted heavily towards the front end.⁶ In fact, many of the cases coordinated under UFC will have already had a case resolution⁷ prior to UFC acceptance, and thus post-resolution counts are merely capturing the actual UFC treatment as opposed to the true long-term objective of reducing future litigation. Second, a mere event count does not capture differences in the content of the events. For example, a modification filed in a former UFC case will have a qualitatively different information set associated with it than a comparable non-UFC case, a difference that could result in a more expeditious resolution of the issue.

The results from the practitioner survey support the quantitative measures.

UFC was largely rated as no different from a non-UFC setting in respect to the following goals:

- **Post-resolution child support compliance (80% of respondents)**
- **Post-resolution compliance with parenting plan (residential and visitation schedule) (63%)**

Strong majorities across all counties and all types of practitioners (ranging from 67% to 81%) felt **post-resolution domestic violence occurrences** were **about the same** in the UFC setting. On **post resolution petitions and appearances**, similar majorities (ranging from 55% - 77%) emerged in rating UFC "**about the same.**"

Objective #6: Better Family Outcomes

This objective likewise can be fully addressed only with a longer study timeframe. Nevertheless, an attempt was made to address it with some of the qualitative methods. From the semi-structured interviews, there was consensus among all three sites regarding safety in dependency cases in that, although it is not approached differently in UFC, there nevertheless was a perceived positive

⁶ These families can continue to be tracked for a follow-up study.

⁷ Case resolution as defined here is a milestone determined by technical criteria that have a basis in court procedures. In layman's terms it is when the judge 'bangs the gavel'. The specific issue before the court has reached a resolution; however, that does not mean that a family's underlying conflicts have been solved.

impact on safety because of and directly related to UFC. Safety needs of children are still addressed through the dependency action, and investigation and decisions are made relative to that case. However, because of the nature of UFC, more information is available to the judicial officer, and awareness of the dependency action results in more consistency of family law orders.

§ KING COUNTY PILOT SITE

Background & Operations

Unified Family Court in King County was initiated with a workgroup beginning in 1994. Nearly three years were spent in committee meetings and drafting reports before an executive committee approved a startup at the Regional Justice Center (RJC) in Kent in May of 1997. Judicial officers, the bar, public defenders, family law attorneys, and DSHS were all involved in the startup. Initially the UFC in Kent operated with one judge and one case manager; later expanding to two judges. In early 2003 the UFC was expanded to downtown Seattle. Currently there are six King County judges seeing UFC cases with three at each site. There are also family law, BECCA⁸, and dependency court commissioners who may be involved with specific cases.

The focus in King County is on intensive case management and concurrent jurisdiction for all UFC cases. The model is best understood on two levels. First, all family law cases involving children are assigned exclusively to the UFC judges. In practice this coverage may not always be 100% because of staffing constraints; however, that is the goal. On this level any family law case with children is heard by a judicial officer who has received specialized training specific to UFC and is committed to the model. Second, a smaller subset of these cases receives intensive case management supervision by the judges and UFC case managers. On this level, the court is devoting additional resources to these families because of the complex nature of the issues involved. There is more effort made in engaging parties in services. Much of the discussion that follows pertains to this smaller subset of UFC families and cases.

Cases are screened for UFC case management eligibility based on a very specific list of criteria that are the most concrete among the three pilot counties. During the key informant interviews some felt that the criteria are still not well

⁸ BECCA refers to truancy cases.

understood and that some sources are referring all abuse and neglect cases.⁹ Some attorneys make referrals to case management because they have a “messy case” and desire judicial intervention. There are also some families who meet the criteria yet have attorneys and are on track - they may not benefit from the additional case management. However, once cases are referred, case managers conduct formal screening based on nine criteria¹⁰ to identify those most appropriate for UFC.

It was noted by interviewees that historically people outside the UFC have not had a good understanding of UFC, and that initial success and support was associated with strong judicial leadership. One attorney stated that initially peers were worried about the time commitment of UFC planning conferences, but that over time they realized the model was “better for kids.” It was noted that some attorneys in King still do not understand the UFC model and continue to resist. In many cases, there are more players at the table than attorneys are accustomed to. Public defenders are reluctant to practice family law; they do not have the training and policies vary by agency. It is therefore sometimes difficult to determine the attorney’s role, which may differ by case (e.g. dependency and dissolution). Another difficulty is that UFC is a more holistic problem-solving model but attorneys are trained in adversarial methods.

King County UFC judges are on staggered, two year rotations. Rotations are staggered so that one judge leaves every year, while one with substantial experience remains. Recruitment for these voluntary rotations has been a challenge. The judges have either volunteered or have been assigned to work in UFC. For commissioners, it is a rotation assignment. A UFC family with multiple cases is typically seen by one judge and one or two commissioners. Family law and dependency commissioners continue to hear reviews (e.g., regularly scheduled dependency reviews) as cases move towards resolution, with one judge presiding over all issues at trial, planning conferences, and review hearings. Judges assigned to UFC have higher caseloads than non-UFC judges; however, they also gain more assistance of commissioners and other court staff.

In King County, UFC judges are more attuned to resource issues and case management, and remain directly involved with a UFC family’s cases. There are also administrative duties involved in identifying community resources and

⁹ Subsequent to the interviews, significant efforts have been made on strengthening and clarifying the UFC policies in King and on effective communication of these policies.

¹⁰ See Appendix K of the complete report for these nine criteria.

working with community groups. The UFC judges work toward facilitating settlement and function within a less adversarial system. The UFC model in King County is more “judge focused,” and commissioners are less involved in managing families, although they may make referrals to UFC when they identify areas where UFC management would be appropriate.¹¹

Judicial officers educated in specialized areas of the law and issues affecting families were listed by interviewees as vital for working on complex cases. UFC judges in King receive internal training in the six legislatively mandated topical areas (child development, domestic violence, cultural awareness, child abuse and neglect, chemical dependency, and mental illness). These trainings have recently included a greater orientation on providing information regarding community providers.

The functions of non-judicial officer staff have changed over time as the UFC has grown and evolved. In the current structure, the UFC employs one program manager who consolidates all of the management and program development responsibilities and has no case management duties. This individual is able to focus on keeping the program information current as well as fine-tuning the manuals to meet the needs of the changing environment. She identifies and coordinates training opportunities and resources for UFC judicial officers. She is responsible for expanding the resources for the UFC, such as identifying organizations to provide more pro bono time from local attorneys, and increasing and keeping current the referral network. Additional program development functions would include collaborative efforts with other professionals that are designed to eliminate duplicative efforts and improve overall system efficiencies.¹²

The UFC case managers screen referrals, set up cases, prepare orders, set and attend planning conference and review hearings, staff cases with judges, identify processing issues, troubleshoot, assist litigants in identifying community resources and services (both legal and treatment), and may help to de-escalate clients when stresses are high. The case managers know the legal documents, track and monitor progress of court-ordered services, track family issues that are before the court. They work up the legal profile for the judge, contact parties regarding scheduling, draft orders for the judge, monitor cases, report compliance to the judge, keep track of cases so they are closed out when

¹¹ E.g., a third party custody where the father contests the petition but paternity has not been established.

¹² For example, collaborating with BECCA case managers.

appropriate, and participate in judges' meetings. To monitor compliance, litigants sign releases so that UFC case managers can check in periodically with service providers.¹³ If not in compliance, parties are either issued a letter of warning or pulled in for a review hearing.

Resources most often mentioned by interviewees as lacking in King County include drug and alcohol evaluation, affordable and available mental health evaluation and treatment, and supervised visitation. The most valuable resources listed were the Family Law Information Center, drop-in child care, UFC case managers, and UFC trainings.

Having cases co-located at the RJC was seen as advantageous for families and allowing for better communication among staff. Individuals also found the south county location beneficial, with ample parking and less 'chaotic' activity than the downtown courthouse. The RJC is the only site that is able to offer onsite childcare. Although this service is not specific to or a result of UFC, it was viewed as an important resource in getting family members to court and not bringing children to hearings where sensitive material is presented (e.g. domestic violence protection order hearings). As one judicial officer put it, "*Parents can't not attend because of childcare issues.*"

Information technology is essential to the operation of the UFC in King. Since the spring of 2003, King County has implemented a Web-based case management system (KCMS) which, among other functions, acts as a central repository for information for UFC case management. The system takes initial information from the state Judicial Information System (JIS) and tracks judicial caseload, thus allowing court staff to manage a judge's entire family law caseload, identify problematic case management issues, and track UFC managed cases. The system also effectively works as a coordination tool between the UFC case managers and the civil case specialists, in that any duplicative hearings can be identified and eliminated.

The clerk's office was very involved in UFC program development. They worked with the UFC in developing identification codes to better track UFC families in both Seattle and Kent, and they have worked closely with the court in setting up UFC procedures and codes. Clerk employees have received training to increase efficiency and staff UFC meetings in Kent and Seattle to ensure this link.

¹³ This may be by phone or providers may give written reports at specific intervals.

King County's pilot proposal mainly involved expansion and continuation of an existing UFC at the Regional Justice Center (RJC) in Kent. All eligible cases screened at the RJC in Kent are assigned to UFC. Since the superior court has two locations and the UFC was located at one of these¹⁴, a comparison group was formed by identifying families in Seattle (via court files) with similar case compositions to the UFC group in Kent. This is a case control study.¹⁵ In such a design where no true comparison group exists, the comparison sample is for data analysis only and subjects do not experience an actual UFC referral. However, for purposes of the study we tried to match this process. A pool of comparison families was identified by the research team and screening of files only was performed by a UFC case manager to ensure that our comparison group met the criteria.¹⁶ Case level and family level analyses were conducted on the two groups, controlling for any demographic variables deemed necessary.

Objective #1: Better Informed Judicial Decision-Making

The general belief among interviewees was that UFC has improved the consistency of court orders within the same family. Judicial officers get the "*big picture and not just a snapshot in time.*" This belief was supported by the practitioner survey in that **(61%) of respondents** in King County indicated that the UFC setting was **better** for "**judicial understanding of the complexities of family-case issues,**" and **(77%) rated UFC better** in terms of "**continuity of judicial oversight.**" Interviewees noted that the collaborative effort between case managers and judges along with increased communication between players was a key factor in this improvement. For example, if there is a dependency action, the Court will be aware of what has occurred in the family law action pertaining to visitation and custody.

Interviewees felt that judicial officers have an improved awareness of services because of specialized trainings and increased communication with UFC case managers and other family court staff. Appropriate referrals for services and availability are discussed with the judges. Interviewees noted that judges think about services earlier in the life of a case because of their involvement in planning conferences.

¹⁴ Subsequent to the start of our study a UFC was implemented in Seattle; however, none of our control families were ordered into UFC.

¹⁵ A quasi-experimental design.

¹⁶ A complete description of our procedures to create a comparison group can be found in Appendix I of the full report.

Objective #2: Improved Efficiency and Timeliness of Case Processing

Interviewees felt that cases in UFC have greater focus on getting to completion and that case management creates an expectation of progression. They were unclear whether cases were completing more quickly and it was noted that this may differ by case type. Respondents in the practitioner survey felt that case resolution requires the same (43%) or more (33%) time in the UFC setting. Results from our JIS case management measures are inconclusive. Filing-to-completion times by cause of action were statistically insignificant as were counts of appearances and continuances. Furthermore, given the UFC approach of more up-front work to capture long-term gains, it is not clear a priori how these measures would be expected to differ between UFC and non-UFC cases.

Results from the practitioner survey:

- Sixty-three percent (63%) of respondents rated the UFC environment as **better** in "**Resolution of procedural difficulties**"
- Seventy-seven percent (77%) of respondents rated the UFC environment as **better** in "**Handling of families with multiple active cases**"
- Seventy-eight percent (78%) of respondents rated the UFC environment as **no different** for "**Trial date certainty**"
- Fifty-five percent (55%) of respondents rated the UFC environment as **about the same** for "**Number of continuances**"
- Fifty-six percent (56%) of respondents rated the UFC environment as being **better** for "**Scheduling of events for case disposition**"

Seventy-four percent (74%) of survey respondents in King County felt that UFC produces fewer inconsistent or conflicting orders.

Objective #3: Better Access to and Coordination of Services

UFC was perceived among interviewees as increasing access to appropriate services because case managers are familiar with the resources in the community. Thus a more direct communication channel is established between the bench and service providers and the latter have been impressed with the increased specificity of orders. Access to services is perceived to be faster because case managers make the linkages directly instead of families having to "figure it out" on their own. The needs identification process seems to work relatively well in King, with thorough screening by the UFC case manager central to the process. A very slight majority (51%) of respondents on the practitioner survey indicated that the UFC setting was better for the court ordering appropriate services.

The UFC has a standardized referral form in place which is used to create a profile of the family issues, service needs, and procedural issues. Referrals are monitored for compliance and do not get “dropped” or forgotten. “It is easier for pro se clients to get referred, or to have other options if one does not work out. Also, the court orders are clarified so they cannot say they did not understand what was expected.”

“The planning conference motivates parties to initiate services. Having a judge reiterate orders, plus the consistency in orders helps compliance.” Improved compliance was also attributed to case manager intervention and coordination of services. “UFC catches non-compliance much faster and gets [parties] back on track.” Case file review measures support these assertions in that statistically significant differences were found between UFC and non-UFC families in the number of services ordered and compliance rates. **Over all service types, the compliance rate on services ordered was 57% for UFC cases and 39% for non-UFC cases.** Among sub-classes of service types, statistically significant higher compliance rates in UFC cases were found for classes, assessments, treatment, and DNA testing. Eighty percent (80%) of respondents on the practitioner survey listed UFC case management as “helpful” or “very helpful” to the children and the family.

Objective #4: Increased Emphasis on Providing ADR

ADR is mandatory in King County for family law actions; however, it may be waived by the court in appropriate cases (e.g., presence of domestic violence issues). In some situations ADR resolves cases and enables families to avoid trial, but this approach is not specific to UFC. It was noted that including all of the issues (paternity, etc.) would be difficult with ADR. Most felt that ADR is rarely used with UFC, and that this was appropriate given the nature of the cases. There is also a shortage of low cost options and those existing have long wait-lists. Among respondents on the practitioner survey, a majority (66%) found the UFC setting to be no different with respect to use of ADR.

Objective #5: Reduction in Post-Resolution Litigation

As discussed earlier this more long-term objective is best addressed with a longer study timeframe. None of the qualitative or quantitative results shed any light on this objective. All comparisons of the JIS measures on appearances, continuances, and case duration did not demonstrate significant differences between UFC and matched control families. Four questions on practitioner survey pertaining to post-resolution activity yielded strong majorities indicating no difference between UFC and a non-UFC setting: **(78%) no different** for “post-

resolution child support compliance," (64%) no different for "post-resolution compliance with parenting plan," (75%) about the same for "post-resolution DV occurrences," and (63%) about the same for "post-resolution petitions & appearances."

Objective #6: Better Family Outcomes

The UFC case manager helps parties define their responsibilities and be accountable. Early identification of needs and services is accomplished and resource referrals are appropriate. Families attend consolidated hearings so they may be in court less often and are working in a less adversarial environment that focuses on their needs. "UFC looks at families globally, ensuring a safe environment for children to develop." To better serve UFC families, it was suggested that cases could be identified earlier¹⁷.

§ SNOHOMISH COUNTY PILOT SITE

Background

The UFC in Snohomish was started as the result of the pilot project program created by the Washington State Legislature and began operations in 2000. An executive committee/oversight team was created which included an assistant attorney general, dependency and family law attorneys, a family court supervisor, DSHS representative, and a volunteer guardian ad litem (VGAL). The oversight team was involved with UFC planning and coordination.

Snohomish, while sharing the broader goals of the general UFC model, has a more specific focus of linking family law actions with dependency cases in which there are one or more procedural hurdles remaining in the former. Having the dependency case dismissed and assisting families in family law matters to move towards this goal are widely-understood as the focus. Other goals included better judicial decision making based on increased information, expedited case resolutions, and consistency because of case management and streamlined proceedings. Getting families legal assistance via dependency or other defense attorneys for family law matters was also addressed as a goal. Effectively there is less focus on services compared to the other pilot sites because most families are usually fairly well along in the dependency action by the time they are referred to UFC. Thus many of the service needs for these families have been

¹⁷ Referrals were primarily administrative at the time of the interviews; however, subsequent changes widened the sources of referrals.

addressed prior to UFC treatment. Interviewees suggested that the UFC broaden its goals and scope to address other family matters and to focus on family outcomes other than case disposition.

The criteria for referral seem to be well understood by all players, but deemed rather narrow. Potential UFC referrals occur when members of the same family need to finalize a parenting plan or modification and/or establish paternity in order to resolve the dependency action¹⁸. This could occur at any point in the life of the dependency. Stability of placement is another key factor in screening and ultimate acceptance. Screening is performed by the UFC facilitator¹⁹ who receives referrals from the court, attorneys, social workers, and VGALs. Some criteria have evolved from experience. *"For example, we screen so that children are placed with one of the parents and has [sic] had placement for at least three months so there is some stability with that placement."*

"In the startup phase, there was uncertainty and concern among the legal community. As time went on attorneys saw the benefits and wanted their cases to be in UFC to resolve dependency cases. Judges have appreciated having more information before making decisions." Most of the attorneys involved are appointed or hired dependency attorneys that contract with the county for dependency defense. These attorneys may be appointed by the judge to assist litigants in family law matters (which is increasingly occurring) as there are few private attorneys hired to help with the family law portion of UFC cases.

Judges are assigned to juvenile court for one year and this is staggered at six month intervals. They are assigned dependency cases during that time. It was noted that in Snohomish the judge presides over UFC dependency and family law proceedings, whereas in the "usual" system commissioners would have heard these matters until trial. Commissioners do not hear UFC matters once they are designated as such. The judge is more informally involved in moving cases along and reviews may be set periodically to check in with players. The judge has to think holistically (e.g. how will domestic violence affect the dissolution case?) instead of one case at a time, resulting in better time and case management.

The case manager in Snohomish is known as a UFC facilitator. The UFC facilitator screens incoming referrals for UFC acceptance, develops family legal

¹⁸ Or multiple dependencies for many families.

¹⁹ A position similar to the UFC case manager in King County.

profiles and identifies legal steps for parties to enter parenting plans, and child support. The UFC facilitator also schedules UFC hearings, staffs UFC planning conferences, compiles and tracks UFC program data, serves as the contact person for UFC and monitors cases to ensure parties and attorneys are doing what is required. There is no direct contact with the treatment providers, only documentation from the social worker, parties, or VGALs. Data gathered by the UFC facilitator is used to give updates for the court at review hearings. The UFC facilitator is more proactive with court (than usual specialists/social workers in dependency cases) and organizes and coordinates proceedings. Progress towards goals is monitored with a focus on parenting plans. It was noted that this model works best if specific deadlines are set for parties.

There has been very little formal staff training specific to UFC in Snohomish County. Most has been on the job or informal training at meetings. It was suggested by interviewees that new staff receive training on UFC legal issues and attend conferences pertaining to dependency, family law, and child development.

Given the dependency-driven nature of the UFC in Snohomish, DCFS social workers are more instrumental relative to the other sites. They work with parents on services pertaining to dependency cases, make referrals, and check on compliance. They provide the main link to service providers. They are also there to approve the parenting plan and to make sure it provides for the safety of the child, whereas they would not typically do this in the family law arena.

Only a small percentage of families have GALs appointed - usually families with high conflict, history with a GAL, or as necessary in private paternity actions. Guardian ad litem time was noted as limited. Although VGALs can be utilized efficiently if there is a dependency case, they are limited in number. Funding for attorney time to work on parenting plans is also a challenge. Other constrained resources in this jurisdiction include supervised visitation, affordable drug and alcohol treatment, and psychological evaluations. Some felt the issue of treatment resources was almost irrelevant to the Snohomish UFC model since many parents have already completed required services for dependency cases by the time they are in UFC.

The co-location of cases in Snohomish is less complete than the other sites in that domestic violence cases cannot be heard at the juvenile courthouse. This separation was seen as a liability in that files of cases heard downtown are not easily accessible and are not routinely screened for UFC families. This did not

seem to be an issue when there were dissolution and dependency cases only.

The role of the clerk's office is generally not different because of UFC, although the cooperation of clerk staff was viewed as essential to the success of UFC.²⁰ The office has worked with the UFC to set up procedures to get files. It was suggested that they provide facilitators (to assist self-represented litigants) on site at the Denney Justice Center.

At the onset of the pilot program, Snohomish County accepted a true experimental design and used random assignment to assign UFC eligible families to either UFC or a non-UFC comparison condition. Participants and/or their attorneys were notified of the condition upon assignment. As described earlier, the case management component is more administratively focused and cases are followed by one judge in order to avoid conflicting orders and further delay. Families in the comparison condition experience customary family and juvenile court protocols.

Objective #1: Better Informed Judicial Decision-Making

With the focus on remaining issues in the family law matter, case coordination and the information provided by the UFC facilitator means that judges have access to all case information and know what is needed (e.g., drug and alcohol evaluation). UFC has not seemed to impact judicial awareness of services because of the nature of the model - because these involve dependency matters, DCFS social workers are involved with referrals and typically much of this work is complete before families are considered "UFC."

Practitioner survey results were particularly strong with respect to "continuity of judicial oversight," with 86% of all respondents in Snohomish indicating that the UFC setting was better. Sixty-eight (68%) of respondents indicated that the UFC setting was better for "Judicial understanding of the complexities of family-case issues."

Objective #2: Improved Efficiency and Timeliness of Case Processing

Parties are expected to attend a UFC planning conference, UFC review hearings, dependency case hearings, and settlement conferences and trials if applicable. Planning conferences are held to identify legal steps necessary to establish parenting plans, to review compliance with services, and to coordinate future hearings. Goals and steps for the next review are established and broken down

²⁰ A common theme in all three sites.

for parties. This is the first time all players are in one room. Strategies to move cases towards resolution are laid out.

“Regarding case management by the UFC facilitator: the system would fall apart without it. The facilitator is on top of what happens next.” All cases are heard by one judge and at the same location, which makes more sense to litigants. There is less of a burden on litigants, less time is taken from work, and there is less worry about transportation because cases are coordinated. Parties see progress towards goals via steps and parenting plans.

Because Snohomish is focused on finalizing parenting plans, **interviewees perceived dependency cases as resolving more quickly than they would have without UFC intervention and specifically, the monitoring by the UFC facilitator. Solid empirical support for this was found in dependency cases where the average duration from the UFC acceptance date to case completion was sixty percent (60%) longer for the control group versus the treatment group (322 days vs. 517 days).** Additionally, a clear majority (70%) of Snohomish County respondents in the practitioner survey stated UFC case completion requires less time.

Among the sites, Snohomish came in particularly strong with respect to "Resolution of procedural difficulties" and "Scheduling of events for case disposition," with 78% and 81% respectively rating the UFC setting as better.

Some other results from the practitioner survey:

- Eighty-six percent (86%) of respondents rated the UFC environment as **better** in "**Handling of families with multiple active cases**"
- Sixty-three percent (63%) of respondents rated the UFC environment as **no different** for "**Trial date certainty**"
- Fort-nine percent (49%) of respondents rated the UFC environment as **fewer** for the "**Number of continuances**"

Eight-nine percent (89%) of survey respondents in Snohomish County felt that UFC produces **fewer** "**inconsistent or conflicting orders.**" Case file review measures support this, with a 13.8% duplication rate for orders in the control group versus 6.5% rate for the treatment group. A breakdown by service type maintains this pattern, where the control duplication rate versus treatment was on an order of magnitude of over two or three when compared to the treatment group.

There was no significant difference in the number of appearances or continuances in dependency cases in the treatment versus control groups. Pre-completion appearances in dissolution cases were greater in the UFC cases versus control, although the sample sizes were very small (under 10). Sample sizes for the other case types were too small to yield any significant results.

Objective #3: Better Access to and Coordination of Services

The general consensus is that Snohomish UFC does not improve access to or coordination of services because it is such a dependency driven model. One judicial officer remarked that the approach is simply more focused and unified, with more clear direction towards completion. Cases are not assigned to UFC until they are stable so services may have been ordered and compliance issues addressed prior to UFC involvement.

Nevertheless, **case file review measures demonstrated a statistically significant overall positive difference in the UFC group versus the control group on compliance with services ordered**, although the magnitude of the difference was considerably less than in a more service-oriented model such as in King County. Among sub-categories the positive difference was particularly strong for assessments, classes, and unsupervised visitation. Unlike King, however, the positive difference was reversed for some sub-categories (urinary analysis).

Objective #4: Increased Emphasis on Providing ADR

ADR is rarely, if ever, utilized because of the dependency driven model in Snohomish's UFC. Settlement conferences may be used if both parents are involved and cannot agree on a parenting plan or residential schedule. Historically, dependency cases do not use ADR and one judicial officer felt it would not be effective when issues of abuse and neglect are present. Results from the practitioner survey are in agreement.

Objective #5: Reduction in Post-Resolution Litigation

Since the Snohomish UFC is so dependency driven and does not generally accept cases early on, parties for the most part have either complied or not prior to their acceptance as UFC families. It was noted, however, that parties seem more willing to comply with expectations following the planning conference because they are more clearly communicated and better understood.

Neither the practitioner survey nor the measures drawn from JIS suggested any difference between the UFC and non-UFC environments in this area.

Objective #6: Better Family Outcomes

Reported current benefits to families include:

- Easier access via having multiple cases heard in one court
- More expedient resolution of dependency cases
- Attorney time granted for help with parenting plans

Suggestions to better serve families included UFC becoming more service-oriented (i.e. more oriented towards access to needed services), more work with high conflict cases, and better preparation of all parties prior to review hearings. Most of this would involve broadening the scope of UFC in Snohomish County.

§ THURSTON COUNTY PILOT SITE

Background

The UFC in Thurston County was modeled somewhat after King County's UFC. An advisory committee was formed that included a judge, two commissioners, the county clerk, an administrator, members of the bar, assigned counsel, an assistant attorney general, a prosecutor, and the dispute resolution community. In the mid 1990s the county was planning a new detention center and decisions were being made as to remaining space. Family Court requested to add courtroom space onto the detention site, essentially co-locating juvenile family court under one roof. This new arrangement became fully effective in August 1998.

The model in Thurston County is defined more broadly than in the other two sites. Specifically, any case heard in the Family and Juvenile Court building is ipso facto a UFC case. Beyond this broad definition lie two specific practices or policies. The first is an assignment policy in which concurrent jurisdiction (by the same judicial officer) is initiated by the presence of contemporaneous actions.²¹ The second is a more intensive case management practice in which the UFC case manager monitors court orders and compliance. There are no specific criteria for referral to case management, although families may be referred because of "high conflict" findings or non-compliance with orders. Acceptance may be constrained by staffing limitations.

²¹ Defined as actions filed in Family and Juvenile Court involving the same family or child and having court action within the previous twelve (12) months.

Similar to King, interviewees indicated that strong judicial leadership and staff commitment to the UFC model have been essential for implementation and continuing operation. Providing better service to families was a consistent theme among interviewees when asked to describe the goals of the UFC in Thurston. Consistency, overall better judicial decision making, and judicial economy and efficiency were also stressed, as well as a problem-solving, holistic approach to working with families and better quality of judicial time. Training of judicial officers on family issues and coordination of services and cases were also emphasized for Thurston. Judicial officers are more aware of services and are proactive within the community. They are responsible for awareness of multiple files related to a family and coordination of hearings.

There remains in Thurston some lack of acceptance of the UFC model, including some attorneys and judicial officers. Initially there was resistance to the UFC model among judges, who did not want to see dependency and domestic violence cases together because it was a change in protocol. Attorneys were also skeptical at first and did not want the court taking a hands-on approach to social work and case management, although this has reportedly changed over time as they saw client outcomes improve and enhanced scheduling efficiency. There is typically only one judicial officer to educate on multiple cases and they do not need to argue the same facts repeatedly. With the smaller jurisdiction, the players know each other well and if there are multiple actions, the expectation is that they will focus more on problem solving. One attorney noted that they have become more like facilitators in some cases and there is less litigation with some of the specialty programs (e.g., drug court).

There are two UFC judges in Thurston. One has a two-year assignment to family court and is thus best positioned to assume the necessary leadership role. The other judge is a rotating judge who is there for only two months. The longer term UFC judge works somewhat as an administrator and has the final say regarding procedural changes or decisions. He/she also presides over revisions, settlement conferences, and trials. The shorter term rotation of the other judicial officer was indicated by some interviewees as making consistency more difficult and attorneys reported appreciating having long-term rotation judges.

There are two commissioners in Thurston, one who deals primarily with family law matters and the other with juvenile offender, At-Risk-Youth, CHINS, BECCA, and dependency matters. The commissioners are said to provide more consistency since they do not rotate and therefore have the opportunity to become experts in their areas. It was consistently noted that the commissioner

role in UFC has the same unique characteristics of the judge's role in this setting. When the case manager finds there are concurrent cases, chronology of the cases determines jurisdiction. If the dependency was first, the family's cases go to that commissioner. If the dissolution was first, then other cases would go to the family law commissioner.²² The commissioners are seen as "front line" judicial officers. The separation of duties between the family law and juvenile commissioners was viewed by some as inhibiting the broader perspective of the UFC model.

The UFC case manager identifies and follows families identified as "high conflict" among other duties. In Thurston, the case manager works more with the family law commissioner because the "dependency side" has social workers, and CASAs. Training needs listed for staff include drug and alcohol treatment and available services, third party custody actions and criminal background checks, and required training in the same areas identified for judicial officers (child development, domestic violence, mental health, substance abuse, and cultural awareness). It was suggested that everyone working in UFC receive more training so as to understand the goals of UFC and the concurrent caseloads. More training specifically for attorneys and CASA/GALs was also suggested. A relevant issue was the inability to appoint defense counsel on family law issues because of lack of cross-training and funding.

Resource limitations listed included mental health treatment and evaluation, domestic violence services, supervised visitation, social workers, parenting classes, housing, prescription drugs for mental health, and therapeutic daycare. Resources listed as most valuable were UFC case management, treatment resources, onsite drug testing, and the increased availability and sharing of information. Interviewees felt that the location of the new facility away from downtown allows for a calmer demeanor and the co-location of domestic and juvenile cases was clearly seen as a strength.

It was noted that the clerk's office is an integral component to this flow of information via movement of files. The clerk's office assists in identifying families with multiple cases and may identify concurrent cases. *"They are the key to success in UFC because of the need for information."* There was a need expressed for increased communication between the clerk's office and UFC, including regular meetings to discuss procedures and file needs for UFC, concurrent cases, and other special calendars.

²² With the exception of juvenile offender cases.

Thurston County has two specialized drug court calendars that fit under the UFC umbrella. Dependency drug court (DDC) was presented as a strength-based approach to dependency case processing. DDC addresses visitation, placement, and treatment all in one place with the involvement of social services. Perceived advantages of DDC listed by staff were: (1) shared decision making and better access to community resources, (2) lower recidivism for families entering the system, (3) quicker permanency for the children, (4) higher rate of children returning home, and (5) a less adversarial model. The second specialized calendar - domestic/family drug court (FDC) - focuses on domestic cases and is very similar in model to the dependency drug court. One difference is that social services are not directly involved since dependency issues are not the driving force. Parties may be individuals involved in custody or visitation difficulties that are related to substance abuse. The judicial officer takes an active role in verbally reinforcing behavior that demonstrates litigants are moving towards established goals (e.g., actively engaging in treatment).

Since Thurston considers all individuals entering their Family and Juvenile Court facility to be participants in UFC, no appropriate comparison sample is available in the same county. Those families identified as “UFC managed cases” and “concurrent cases” by UFC staff are the focus of our case file review; however, no comparison group exists. Since comparative analysis was considered essential, some comparisons were performed using another county of similar size and demographic composition (Kitsap). While this design could also be considered as quasi-experimental, it does differ from the King County design in that in King County (and Snohomish) the unit of analysis at times is at either the family or individual level whereas in Thurston, for practical purposes, it is at the case level.

Objective #1: Better Informed Judicial Decision-Making

With respect to concurrent cases, the same judicial officer works with both cases and so is making orders based on more complete family information. With regard to rotation, there was a level of consistency prior to UFC because the commissioners were the same. However, attorneys and pro se litigants could “shop around” by scheduling revision motions to reach a particular judge for a desired outcome. This is no longer possible since one judge (the long-term rotation judge) hears all the motions to revise. It was noted that the “laptop orders” used by one commissioner provide consistency and orders that are clear and easy to follow.²³

²³ This commissioner uses a laptop to write tailored orders during hearings; orders are printed

Judicial awareness of services has increased in Thurston because of seminars; additionally, the co-location has increased communication with service providers and between judicial officers. The long-term rotation judges have benefited the most from this.

Responses on the practitioner survey on judicial oversight and understanding were overwhelmingly favorable:

- Eighty percent (80%) of respondents rated the UFC environment as **better** for "**Judicial understanding of the complexities of family-case issues**"
- Eighty percent (80%) of respondents rated the UFC environment as **better** for "**Continuity of judicial oversight**"

Objective #2: Improved Efficiency and Timeliness of Case Processing

The focus in Thurston has traditionally been more on the quality of case outcomes than on expediency, although case completions and trial dates were viewed as happening more quickly with fewer scheduling setbacks. Planning conferences are not a component of the UFC model in Thurston. Review hearings may be set for entry of orders and to monitor cases, but are primarily used to assess compliance and establish a structure for accountability. Settlement conferences and trials also seem to happen more quickly because of case manager coordination. **Interviewees noted that more compliance hearings are needed in family law cases but there are not enough resources.**

For the JIS case management measures, two years of case filings from both Thurston and Kitsap counties were extracted for purposes of straight comparison.²⁴ This procedure eliminates any family-level or individual-level analyses; however, for analysis at the cause level we gain the power of much larger sample sizes. As a result, several statistically significant differences emerge. However, the results taken as a whole do not paint any coherent picture. **Thurston tends to complete dissolutions dependencies, and paternities earlier than Kitsap; however, Thurston takes longer with third party custody actions. Appearances are the same prior to case completion; however, the UFC in Thurston has more appearances than Kitsap after case completion. Post-completion appearances are greater in Thurston versus Kitsap.** The docketing of continuances was not consistent between the two

and signed on the spot.

²⁴ No attempt was made to control for any demographic factors that might differ between the two counties - see the full report for a description of some of the potential factors.

counties and so no analyses using these figures were conducted.

Finally, although the question did not pertain to judicial officers per se, 81% of respondents felt that the UFC was 'Better' in "Handling of families with multiple active cases." Among the sites, 90% of respondents in Thurston County rated the UFC as better in this area.

Results from the practitioner survey:

- Fifty-nine percent (59%) of respondents rated the UFC environment as **better** in "**Resolution of procedural difficulties**"
- Ninety percent (90%) of respondents rated the UFC environment as **better** in "**Handling of families with multiple active cases**"
- Fifty percent (50%) of respondents rated the UFC environment as **better** for "**Trial date certainty**"
- Fifty-four percent (54%) of respondents rated the UFC environment as **about the same** for "**Number of continuances**"
- Sixty-two percent (62%) of respondents rated the UFC environment as being **better** for "**Scheduling of events for case disposition**"
- Sixty-seven percent (67%) of respondents rated the UFC environment as producing **fewer** "**Inconsistent or conflicting orders**"

Objective #3: Better Access to and Coordination of Services

The court has no standardized protocols to identify service needs. Initially, the commissioner and GAL may identify service needs for domestic cases. Attorneys may identify and recommend services needs for parties and DCFS social workers identify needs in dependency cases. CASAs and defense counsel may also identify service needs. It was suggested that the new facilitator orientation will help litigants identify needs earlier on.

Interviewees felt that UFC has improved access to services via the case manager, and that judicial officers are more aware of non-compliance. The lunchtime education program has enhanced awareness of local services among attorneys, judges, and social workers.

The UFC case manager is actively involved with monitoring compliance via phone calls with providers and interviewees noted that the UFC model in Thurston has made a difference in compliance with orders. Although there was no comparison group, the overall compliance rate for Thurston was 67% - above both the Snohomish County and King County sites. Interviewees in Thurston

unanimously expressed the perception of increased compliance among litigants because of judicial and case manager monitoring.

Results from the practitioner survey:

- Eighty-three percent (83%) of respondents rated the UFC environment as **better** for "Court-sponsored services that assist family participation in the judicial system"
- Sixty-three percent (63%) of respondents rated the UFC environment as **better** in "The court ordering appropriate services for the parties"

Objective #4: Increased Emphasis on Providing ADR

Mediation is encouraged and utilized regularly in Thurston. The court has a grant that allows two free sessions of mediation by a local firm. There is a push to have mediation even more available right at the courthouse as part of the "orientation" process.

Across all sites, the majority of respondents (60%) in the practitioner survey rated the UFC as no different in use of ADR; however, in Thurston County (54%) of respondents indicated that the UFC setting was better.

Objective #5: Reduction in Post-Resolution Litigation

Originally, it was intended that, with one judicial team and less opportunity to manipulate, litigants would return to court less often. It was unclear to interviewees whether this is the case. The case manager may show cause for non-compliance, possibly increasing post-resolution activity in the form of modifications. More education for litigants regarding what can and cannot be changed post-decree was suggested to prevent future unnecessary proceedings.

Over all cause types, Thurston had slightly more post-completion appearances - especially in dependency actions - than Kitsap. Most of the responses on practitioner survey questions dealing with post-resolution or post-completion events were strongly (75%+) in the 'no different' or 'about the same' categories.

Objective #6: Better Family Outcomes

It was noted that litigants seem to appreciate the guidance they receive via case management. Other benefits listed by interviewees included having a more informed decision maker, increased access to services, more information, and a central contact person. "Litigants are more involved and less confused about the process." Those with managed cases are more likely to complete treatment and are held accountable via case monitoring, while those on concurrent calendars

have one judicial officer with more complete information and decision making ability.

Other benefits of UFC perceived by interviewees included:

- More financially efficient
- Trials occurring within 8 months instead of 2 years

§ SUMMARY

Implementation Considerations

The Unified Family Court Pilot Project in Washington State was established to address the needs of families involved with multiple cases in the juvenile and family court systems and to ultimately improve their outcomes and decrease future contact with the legal system. This evaluation focused on a pilot project consisting of three UFC models that varied in significant ways. Any statewide recommendations or proposals pertaining to UFC need to take these differences into consideration, as well as the variability among jurisdictions across the state. Any general policy development pertaining to UFC would need to balance any goals towards establishing some uniformity against allowing for flexibility in developing UFC models that fit a jurisdiction size, culture, and resource availability. Model rules have been presented by the UFC workgroup²⁵ and should be tailored as suggested, keeping in mind that certain aspects will require more flexibility than others. There is a full menu of UFC components that may be drawn upon to formulate an individualized model. Considerations in developing a new UFC would include:

- Size of jurisdiction
- Resource availability
- Ability to co-locate different case types
- Information systems and screening ability
- Judicial leadership and commitment
- Judicial rotations and impact
- County clerk involvement and level of commitment
- Staffing requirements

Operational Considerations

Surveyed practitioners and interviewees found case management helpful. In fact, less than 10% of practitioners surveyed found it not helpful. Similarly, they

²⁵ A formal workgroup under the state Board for Judicial Administration (BJA).

agreed that the UFC setting is a more efficient and effective approach to handling families with multiple cases and complex legal and social issues. Efficient case management practices were cited by UFC stakeholders as critical for enhancing coordination within the court (e.g. scheduling), and between the court and social service agencies involved with the case. The theory is that, with proper case management, cases are screened, monitored, and directed to the appropriate track, utilizing ADR wherever appropriate. Cases in the family law realm do not typically receive this level of attention.

Surveyed practitioners indicated that the “one judicial team model” seemed to clearly result in fewer judicial officers per case, more consistency in orders, and better informed decision making. The consistency of orders was one of the strongest findings in the survey, with 75% of surveyed practitioners reporting fewer inconsistencies or conflicting orders in UFC. The responses to the NCSC question set reflect respondents’ positive attitudes pertaining to quality of court decisions in UFC and case processing timeliness. The lack of agreement on categories such as hardship and cost and litigant satisfaction point to a lack of clarity for these topics.

There was agreement among parties within the sites regarding time required for case resolution and permanency, with the model in Snohomish County clearly associated with shorter time to both resolution and permanence in dependency cases.

Case file review measures indicated significant positive effects of UFC treatment on compliance with services ordered. There is consistent support for this finding among the key informants interviewed - in fact, interviewees felt increasing the number of review hearings enhanced compliance via accountability. Empirical support emerged that the UFC reduces duplicate orders, which likewise received support from the qualitative data sources.

Another problem families with multiple cases often face is lack of resources and treatment services that may result in escalating problem behaviors and accompanying difficulties in parenting. Along these lines, utilization of mental health services has been cited as one of the strongest program effects for divorced parent education programs. Access to such services may also be an important family outcome for UFC, as was noted anecdotally in that many of the UFC parents have substance abuse problems and some have co-occurring mental illness. Given that access to services is also listed as a UFC objective, it was determined that such access should be tracked as part of the evaluation. Results

from the social services data analyses could have shed some light on access; however, the results were inconclusive due to small sample sizes.

Litigant Feedback

Focus groups combine elements of in-depth interviews and observation and add the unique element of group dynamics. Focus groups can be invaluable tools in identifying strengths and weaknesses in project implementation, and can be important in interpreting quantitative findings. As part of a formative/process evaluation, this feedback is important in providing information about the program but **should not be interpreted as having scientific validity**. Thus, generalizing any statements from the focus groups to the UFC population as a whole is questionable.

There are many difficulties involved with accessing litigants for this type of court research. They may not be pleased with the outcome of their court cases, and those who are the least pleased tend to respond more which can bias the results. In order for the results of the focus groups to be generalized to the greater population of UFC participants, a random sample of litigants in multiple focus groups would be necessary. Such an approach would need to be implemented at the onset of a program to capture this transient population.

Unfortunately, the focus group recruitment results were disappointing which limited the applicability of the findings, although some can be placed in perspective. It is apparent from statements made in the groups that, although litigants may be aware that there is a case manager or central contact person, they generally do not seem to be even remotely aware of their participation in a “problem-solving” court environment and are unaware of the meaning of their involvement with UFC. They tended to focus more on their disappointments with the outcomes - outcomes that were unlikely to have been different in a non-UFC setting in any substantive way. Family law and dependency cases are intensely personal and often frustrating experiences for any litigant and it was clear that many of these frustrations continue to exist in UFC.

§ RECOMMENDATIONS

Suggestions for Improvement

The following suggestions emerged from the key informant and key stakeholder interviews:

- Increased UFC-specific training for attorneys and newly assigned judicial officers
- Clear and widely-disseminated referral criteria and procedures
- Longer judicial rotations of two to five years
- Earlier identification of UFC or potential UFC families via improved communication or information technology
- Staffing could be better geared towards the UFC model. For example, GALs and CASAs could work together in gathering information on overlapping cases.
- More communication with the social services community. Feedback regarding referrals and what is needed to accomplish their goals in assessment, treatment, and other services was recommended.
- Co-location, when feasible, was viewed as an asset for UFC, and a liability of jurisdictions without the ability to co-locate cases.

Recommended Policy Changes

A theme among sites was the delayed buy-in from both attorneys and judicial officers, much of which seems to stem from basic lack of awareness. Attorneys seem to be particularly lacking in basic understanding of the UFC model, concepts, and procedures. Attorney training should be specific to UFC, their roles, relevant court rules, and procedures of their jurisdiction's UFC. Hands on training for procedures such as referrals and planning conferences could include sample forms and court orders for enhanced familiarity.

A unified definition of UFC together with implementation procedures should be developed and communicated to the court community and all parties of UFC. For attorneys, judicial officers, and social services, this could be a major component of training, educational programming, and public relations. All parties in UFC cases should be aware of their involvement in UFC, the definition of UFC in that jurisdiction, and how this model differs from the "usual" family and juvenile court process. A pamphlet and continuous reminders of the model and how it works should be readily available for consumers.

Judicial officers have a defined “leadership curriculum,” but need more training on working with multiple case types, including cross-training in juvenile and family law.

The following policy recommendations emerged from the key informant and key stakeholder interviews:

- Establish a state court rule for long-term rotations for UFC judicial officers in jurisdictions of substantial size (e.g. four or more judges).
- Legislation regarding specific information sharing and use would eliminate guesswork for all parties. This could include schools and history on all dependency case parties. It could be mandated that judges be given information on all open cases for a family when children are involved, in addition to information and history on all dependency cases.
- Development of information systems that address the UFC model and give users the ability to screen for and review cases in detail.
- State funding for UFC staff was recommended.

§ FINAL REMARKS

Previous studies of unified family court programs have not rendered any ultimate conclusions regarding success or failure, but guided recommendations in improving operations to benefit families. This study found some strong empirical evidence for UFC effectiveness; however, our limited timeframe did not allow for a truly full study which would include the long-term benefits. In practice, it is difficult to quantify the desired outcomes for a Unified Family Court. In the criminal justice system, variables such as recidivism or jail days commonly define success or failure of a program, and associated costs and tangible benefits are available. It is quite a different task to quantify concepts such as better informed judicial decision-making or better family outcomes, that may involve the experiences of and outcomes for children several years from now. A truly comprehensive outcome evaluation of the Unified Family Court model would therefore involve a longitudinal study of multiple realms of functioning for both children and parents, and would capture the costs and benefits of their experiences in multiple systems of judicial and social services intervention.