

STATEWIDE FOCUS GROUPS REVEAL MORE RESOURCES NEEDED TO HELP FAMILIES AND PROTECT CHILDREN



Report to
Governor C.L. "Butch" Otter
and the 2nd Regular Session of
the 61st Idaho Legislature

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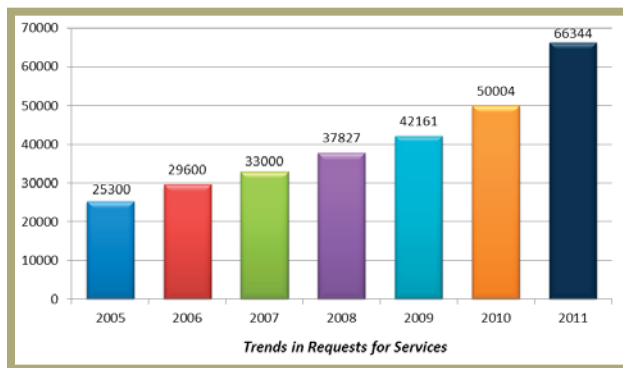
Divorce is a significant life stressor for families. The need to protect children and serve families that are at risk for family violence and diminished parenting capacity due to substance abuse and mental health concerns places a heavy burden on court resources. To gain a better understanding of how courts might strengthen services to children and families and identify the challenges courts face when handling high conflict custody disputes, statewide focus groups were conducted with magistrate judges, Family Court Services (FCS) and Court Assistance Offices (CAO) across the state. Key findings from the statewide focus groups are:

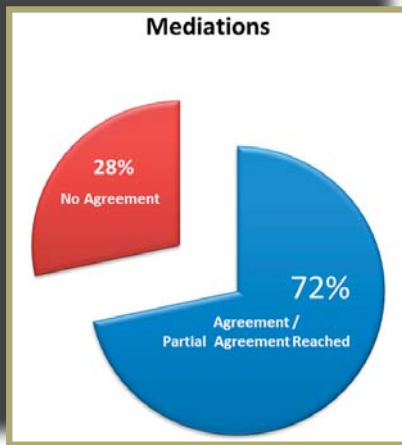
- Courts are very concerned about the increasing numbers of Idahoans who cannot afford attorneys and are filing their own pleadings which are often incomplete, inaccurate, and confusing. This can result in frustration on the part of the self-represented litigant who does not understand why the court is unable to grant the relief requested;
- Many courts lack sufficient resources to ensure all families receive information and services to help them resolve contested child custody cases;
- Due to a lack of FCS resources, rules, and ethical considerations, judges are concerned they are not getting relevant and accurate information from self-represented litigants that is needed to make informed decisions;
- Families must have access to, and courts need authority to, send families to solution-focused and settlement-promoting resources such as mediation for all low-income parties and early neutral children and family needs assessments;
- Multi-disciplinary training for attorneys, mental health professionals, and judges is needed to enhance community services and ensure consistent standards of practice statewide.

Another significant topic of discussion at statewide focus groups centered around the need for families to have access to information and services very early in the court process to reduce misunderstandings and the escalation of conflict. Further, courts need information about the issues impeding settlement if courts are going to effectively manage cases and get families on appropriate dispute resolution tracks.

Family Court Services meets an unprecedented demand for services

Idaho courts have seen an increase in divorce and post-divorce child custody filings of nearly 8% since 2009. Adding to the stress on courts and families is the fact that over 60% of self-represented parents are 125% below federal poverty guidelines. An unprecedented demand for services and no additional staff or resources to serve families has been extremely challenging to FCS. In FY2011, FCS saw the number of Idahoan's accessing mediation services rise by 18%. Supervised access services rose by 4% and Interim Parenting Time Assessments rose by 46%. FCS responded to 66,344 requests for information and services – an increase of 33% over last year. Parent education programs served 7,413 parents benefiting 9,793 children. Statewide surveys of class participants have shown that on average, 98% of parents report they will work with the other parent to reduce their conflict for the sake of the children. Several jurisdictions offer parent education in Spanish.





Alternative Dispute Resolution (ADR) results in early, effective case resolution

ADR screenings and case management intakes were offered in 949 cases statewide, a 49% increase over 2010. Case management screenings and intakes ensure cases are put on the right track to help parties' access suitable resources and identify barriers to resolution early in the court process. Research on contested family court cases in Ada County has shown that that nearly 83% of families who are referred to FCS for an ADR case management screening have a criminal history that may include substance abuse, family violence, or involvement with Child Protective Services.

"As an educator coming to the class, I felt that I would know the information and felt that I was already doing a good job. However, I found the information to be very useful. I am glad that all parents are required to attend. I found that there were things I still needed to work on. This class also increased my sensitivity to my co-parent."

Mediation is offered in every judicial district and is an excellent resource for families. In FY2011, 1,537 families utilized Supreme Court registered child custody mediators and FCS staff to help them resolve their custody disputes. This is an increase of 18% over 2010.

Family Court Services (FCS) strengthens and supports families

Professional supervised access and exchange services were provided to 514 families to protect children when substance abuse, family violence, mental health concerns or other factors put children at risk. This represents a 4% increase over last year. Nearly 680 children benefited from seeing a parent in a safe, supportive, environment. FCS has developed services based on national best practices that assist families who are not able to reach a resolution in mediation or may not be able to mediate due to domestic violence, substance abuse, mental health concerns, or high levels of conflict. The following services are offered to strengthen and support families:

- CAO and FCS collaborative pre-filing workshops that frontload information and services such as assisting with parenting plans and child support calculations to parties.
- Parallel parenting classes that build skills for parents to help them establish separate but complementary consistent caregiving that is in line with the child's needs.
- Classes for children that give children a chance to recognize and appropriately express their feelings in regards to their changing families as a result of divorce and separation.
- Family needs assessments and child interviews in highly contested cases to ensure the court receives accurate and relevant information about the family and the needs and wishes of the children.
- Interim parenting time evaluations and consultations serve parties early in the court process when families are in need of immediate and temporary orders for custody and early intervention and information is needed. The information and recommendations are provided to parties and their attorneys to assist in reaching a temporary parenting schedule in place of a contested hearing.
- Parent/teen mediation is a process mostly used for families involved in juvenile court to assist parents and teens with setting limits, boundaries and establishing cooperative relationships.
- Parenting coordinators are court appointed neutrals that help parents who are having difficulty following and enforcing court orders (I.C. 32-717D). The parenting coordinator has limited decision making authority and may utilize a dispute resolution process and other skills to empower the parties in learning to minimize the degree of conflict between the parties and to resume parenting control and decision making.

Parents respond positively to the court services they receive in the 7th Judicial District. A father of an 18 year old high school graduate called to thank FCS for screening and evaluating an appropriate parenting plan for his child when the child was 14 years old. The father said, "I just wanted to call and say thank you for the work that went into sorting out the mess we got ourselves into with our divorce. Our son is happy and his teenage years were successful. He will be going to college in the fall."

Over the next several years, the Children and Families in the Court Committee will continue to grapple with the challenges facing families in the courts and how best to improve the self-represented litigant's right to access civil justice, as well as the case management and handling of family law cases along with the courts' need for relevant and timely information.