

# Children and Families

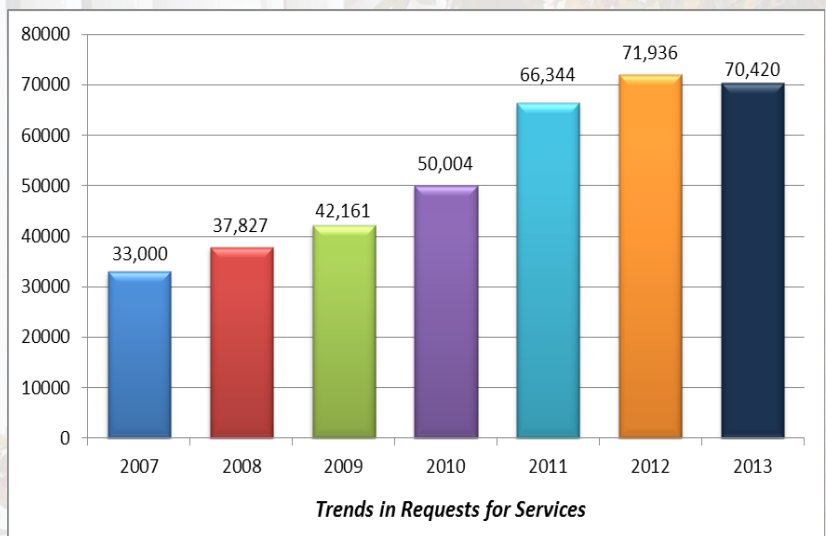
## *Idaho Courts Resolve Cases Involving Children and Families Through the Combined Efforts of the Courts, the Family, and Community Services*

A primary goal of Idaho Courts is to resolve cases involving children and families in ways that are least intrusive and adversarial through the combined efforts of courts, family and community services. In FY2013, there were 13,962 family law cases filed. Family law cases represent some of the judiciary's most challenging cases. Magistrate judges resolved over 4,229 divorces with minor children, and 5,087 post-divorce child custody and child support cases. Additionally, there were 4,163 petitions filed for civil protection orders. Many petitions for protection involve a companion family law case that involves children who are physically and emotionally at risk. Other factors that contribute to these difficult cases:

- One or both parties often lack the financial resources to hire an attorney. Idaho follows the national trend with a significant increase in the number of unrepresented parties, with 50% of cases involving a self-represented parent. Of that, at least 50% of families are 125% below federal poverty guidelines. As a result, parents enter the justice system uninformed about the law, their rights, and the court process thereby complicating effective case management.
- Inadequate resources exist for appropriate assessment or evaluation when there is family violence, diminished parenting capacity as a result of substance abuse or mental health concerns, or developmental or other special needs considerations for children. Additional resources are necessary to assist family members that have difficulty managing extreme behaviors and negative emotions; each unaddressed challenge is potentially devastating to a child.

### ***Family Court Practices Reduce Conflict and Support Effective Case Management***

Despite the lack of family court resources, courts are responding to the increasing numbers of self-represented parents through the combined efforts of family court and court assistance staff that provide workshops in most jurisdictions. These workshops give parents important information about the court process, legal terminology, and developmental information about the needs of children. These workshops not only reduce legal barriers for low income parents, but skilled professionals engage parents in problem solving approaches, which most families are better suited for over the adversarial process. Last year, family court services assisted over 1,200 parents with parenting plan agreements, and more than 1,450 families received mediation services with 68% of those reaching a full or partial agreement regarding child custody.



Early case screenings are essential for effective case management. Family courts use case coordination and case management screening to identify the needs of the family and any companion cases involving the same family. Coordinators direct families to resources appropriate to their situation and early enough in the court process to promote resolution. Family court services screened over 1,000 cases in FY2013 – an essential service that ensures the case is on an effective case management track.



## **Specialized Rules of Family Law Procedure**

Thanks to the leadership of the Honorable Russell A. Comstock and the Honorable David E. Day, the 4th Judicial District is currently piloting new Idaho Rules of Family Law Procedure (IRFLP). The new rules respond to many of the challenges judges face in family law cases and are designed to improve the administration of justice in family law cases. The primary goals of the new IRFLP:

- Allow both self-represented parties and attorneys the option of presenting relevant facts and information to the court using an evidence standard that is easier for self-represented parties to understand. This is intended to save parties time and money, and self-represented litigants will experience less frustration than they would trying to understand the rules of evidence.
- To protect the interests of children by ensuring that counsel appointed to represent children has the relevant training and skill to do so and to establish a structure for allowing the child's voice to be heard and their wishes considered under Idaho Code section §32-717.
- To organize the governing rules of family law procedure in a way that increases attorney efficiency and is easier for self-represented litigants to understand and navigate.
- To provide the court with relevant information and allow for the identification of issues early in the court process to enhance case management practices.

## **Family Court Resources Protect Children and Strengthen Families**

Parent education programs served 8,639 parents, benefitting more than 10,250 children. Statewide surveys of class participants have shown that 98% of parents report they will work with the other parent to reduce their conflict for the sake of the children. Some jurisdictions offer parent education in Spanish.

*I loved the class and honestly feel it should be required by both parties more than once a year. The knowledge in this video and advice and information is great and can relate to any parent in there parenting journey. Even for me, someone who lives by these values, it was refreshing to get insight on what my daughter might be feeling and going through.*

-- Father attending the 3rd District's  
Focus on Children Class

In contested child custody cases, concerns about family violence, diminished parenting capacity due to mental illness, substance abuse, or other behaviors that negatively impact children are common. With the help of mental health professionals, family courts address these issues and work with parents to reduce conflict. If these matters go unaddressed, they contribute to a "revolving door" effect on the courts. Supervised access protects children when one or all of these factors are present in the family situation. In FY2013, 569 cases utilized supervised access services protecting more than 1,000

children. In addition, mental health professionals provided 182 family assessments and evaluations. Family court services personnel responded to 36,816 requests for information and services – an increase of almost 4% over last year.

## **Help for Children of Divorce**

Behaviorally, children of divorce are likely to express their pain and sadness with regression, aggression, withdrawal, or depression. Children often show signs of increased insecurity around the transition between homes. They are often anxious and worry about what is going to happen to them. They may feel embarrassed, daydream a lot, and have trouble in school. Children often feel responsible for their parents' conflicts. Family court children's classes help children between the ages of 6 to 16 by assuring them that they are not to blame, identifying safe resources, and recognizing when they are feeling stressed out, angry, or sad. Throughout Idaho, 631 children attended classes specifically designed for them, with positive results:

- *I learned that eventually there will be a new normal.*
- *This class helped. It was good to know the grieving cycle and how to get out of the middle of my parents' conflict.*
- *This was a good class ... I got - Don't worry about your parent's problems because you're not the problem ...*
- *This class was helpful. I got a few things out of it like how to avoid being caught in the middle. I learned I'm not the only one who has family drama.*
- *Please keep these classes going! They are wonderful and build self-confidence.*

