Spring 1998

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QUARTERLY

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Reprinted from the Family Law Quarterly
Volume 32, Number 1, Spring 1998

A quarterly publication of the Section of Family Law American Bar Association

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Where We Stand: An Analysis of America’s Family Law Adjudicatory Systems and the Mandate to Establish Unified Family Courts

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The volume and scope of family law cases in contemporary American society, as well as their unending nature both individually and systemically, exacerbate the difficulty of their resolution.2

[T]he judicial system present in most states . . . contributes to the demise of the family unit. Under the current system, it is not uncommon to have

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a family involved with one judge because of an adult abuse proceeding, a second judge because of the ensuing divorce, with still another judge because of child abuse and neglect allegations, and a fourth judge if the abuse allegation led to criminal charges. The fragmented judicial system is costly to litigants, inefficient in the use of judicial resources, and can result in the issuance of diverse or even conflicting orders affecting the family. Also, "too often courthouse resolutions resolve only the legal conflicts, leaving unaddressed the underlying personal relationship and psychological disputes."³

Complicating this situation is the fact that almost half of all family law litigants are unrepresented by attorneys,⁴ primarily due to the litigants' inability to afford private counsel or to secure free legal services. As a result, the issue of access to the courts for family law adjudication also presents a compelling problem.⁵

This "crisis in family law"⁶ has triggered an examination of the need for court reform in this area. Organized bar associations at the local, state, and national levels have addressed court reform in family law with increasing frequency. Based on its study on the unmet legal needs of children and their families, the American Bar Association (ABA) has recommended the establishment of unified family courts in all jurisdictions.⁷

[A unified family court is] a single court system with comprehensive jurisdiction over all cases involving children and relating to the family. One specially trained and interested judge addresses the legal and accompanying emotional and social issues challenging each family. Then under the


⁴. Jane C. Murphy, Access to Legal Remedies: The Crisis in Family Law, 8 BYU J. PUB. L. 123, 124 (1993)(footnote omitted); see ADVISORY COUNCIL ON FAMILY LEGAL NEEDS OF LOW INCOME PERSONS, INCREASING ACCESS TO JUSTICE FOR MARYLAND'S FAMILIES 49 (1992)(finding that in 1991, only about 11% of low-income litigants in family law cases were likely to have received legal assistance); see also Karen Czapanskiy, Domestic Violence, the Family, and the Lawyering Process: Lessons from Studies on Gender Bias in the Courts, 27 FAM. L.Q. 247, 273–74 (1993)(indicating that women comprise the majority of poor people); James Podgers, Chasing the Ideal, A.B.A. J., Aug. 1994, at 56, 58 (discussing lack of access to legal services and to the justice system for persons at and above the poverty line).

⁵. Murphy, supra note 4, at 123.

⁶. Id.; see also Richard L. Marcus, Of Babies and Bathwater: The Prospects for Procedural Progress, 59 BROOK. L. REV. 761, 762–67 (1993)(defining the court crisis rhetoric to include the litigation explosion image, the need for control over litigation by means of court rules, and the seeming indifference of the litigation process to the merits of a case); Donald B. King, Accentuate the Positive—Eliminate the Negative, 31 FAM. & CONCILIATION CTS. REV. 9 (1993).

⁷. ABA PRESIDENTIAL WORKING GROUP ON THE UNMET LEGAL NEEDS OF CHILDREN AND THEIR FAMILIES, AMERICA'S CHILDREN AT RISK: A NATIONAL AGENDA FOR LEGAL ACTION 54 (1993)[hereinafter ABA PRESIDENTIAL WORKING GROUP]; see also Williams, supra note 3, at 384.
The result is a one family-one judge system that is more efficient and more compassionate for families in crisis. 8

Through a two-year project funded in late 1996 entitled "Communities, Families, and the Justice System," the ABA is helping to establish unified family courts in six cities. 10 A recent national conference of bar presidents also has called for the creation of unified family courts. 11 This notion of specialized subject matter courts, 12 such as unified family courts, already has resulted in the creation of business courts, 13 adult drug courts, 14 juvenile drug courts, 15 teen courts, 16

8. Williams, supra, note 3, at 384 (footnotes omitted).
9. R. William Ide III, ABA News Center—From the Chair, 1 UNIFIED FAM. CHRON., May 1997, at 2.
10. Unified Family Site Update, 1 UNIFIED FAM. CHRON., May 1997, at 1; see also Patricia G. Barnes, It May Take A Village... Or a Specialized Court to Address Family Problems, A.B.A. J., Dec. 1996, at 22.
12. See Jeffrey W. Stempel, Two Cheers for Specialization, 61 BROOK. L. REV. 67, 69–71 (1995) (defining specialized courts as courts with specialized, restricted subject-matter jurisdiction in a single area of law, even where the subject-matter jurisdiction is not exclusive, and advocating the benefits of specialized state courts in areas of excessive litigation).
13. See id.; Margaret M. Eckenbrecht, A Commercial Venture, A.B.A. J., Jan. 1996, at 35 (reporting that fifteen states have or plan to have business courts to handle complex commercial cases); Ad Hoc Committee on Business Courts, Business Courts: Towards a More Efficient Judiciary, 52 BUS. LAW. 947, 961 (1997) (reporting on the high success rate of established business courts and recommending the creation of such courts in jurisdictions with a high volume of complex commercial cases).
14. See William D. McColl, Comment, Baltimore City’s Drug Treatment Court: Theory and Practice in an Emerging Field, 55 Md. L. REV. 467, 468, 470 (1996) (reviewing a drug court operating in Baltimore, Maryland, one of at least thirty-five such courts operating in the United States whose purpose is to attempt to treat or rehabilitate addicts rather than to punish them, and finding that the guiding philosophy for drug treatment courts is primarily therapeutic or medical in nature); James R. Brown, Drug Division Courts: Are They Needed and Will They Succeed in Breaking the Cycle of Drug-Related Crime?, 23 NEW ENG. J. ON CRIM. & CIV. CONFINEMENT 63, 84, 93–98 (1997) (describing the goals of drug courts generally and the operations of drug courts in Miami, Florida, and Boston, Massachusetts); Michael J. Griffen, University Study Finds Drug Courts Working for Nonviolent Offenders, THE DAILY REC., May 10, 1996, at 10 (reporting that an American University study revealed a decreased recidivism rate of less than 4% for nonviolent drug offenders who were ordered into treatment for their addictions rather than incarcerated).
16. See Allison R. Shiff & David B. Wexler, Teen Court: A Therapeutic Jurisprudence Perspective, 4 CRIM. LAW BULL. 342, 343 (1996) (reporting that more than 150 teen courts exist nationwide where teens who commit their first misdemeanors appear in a court setting controlled by their peers as an alternative to juvenile court and with the goals of effective intervention and decreased recidivism).
domestic violence courts,17 and custody courts.18

This article evaluates how America's courts adjudicate family law matters. The article reviews existing family law adjudicatory schemes by means of a systems analysis, a methodology designed to manage complicated issues in a manner subject to objective verification.19 Systems analysis allows a structured review of court operations. This type of analysis determines the parts of the system, examines the relationship of the parts to the whole, and evaluates how to ensure that the system's functioning is more efficient, consistent, and improved.20

In this article, I present a comprehensive overview of the results of my nationwide survey determining how each state's courts handle family law matters, including an assessment of the court structure and whether a state operates a family court, the subject-matter jurisdiction of the court, the term length of judges, and the case assignment method. My survey results reveal a striking amount of variety and inconsistency in how America's courts process family law cases. This outcome illustrates the dramatic need for "a fundamental rethinking and restructuring of the legal system"21 with regard to family law adjudication and suggests that states consider implementing unified family courts.

17. See Christopher Downey, New Bronx Courtroom Seeks to Speed Resolution of Domestic Violence Cases, N.Y.L.J., Jan. 22, 1992, at 1 (describing a specialized court designed to process criminal domestic violence cases more quickly in an effort to assist victims); Art Barnum, DuPage Total Crimes Drop, But Robberies Increase, CHI. TRIB., Apr. 27, 1997, at 1 (referring to the opening of a special domestic violence courtroom due to an increase in the number of domestic violence cases); see also Brown, supra note 14, at 99 (arguing that drug courts can operate as prototypes for domestic violence courts, another form of specialty court offering intensive treatment of offenders).

18. See Christina P. Burnham, Connecticut's Child Custody Court, 18(4) FAM. ADVOC. 43, 43–45, 62 (1997) (detailing the recent creation and success of Connecticut's Regional Family Trial Docket as a potential settlement mechanism for the resolution of complex custody cases through full-day and interdisciplinary pretrial conferences with two special masters, including family law attorneys and family therapists).


20. LoPucki, supra note 19, at 487.

21. Brooks, supra note 19, at 5; see also Edward P. Mulvey, Family Courts: The Issue of Reasonable Goals, 6 LAW & HUM. BEHAV. 49, 50 (1982)("[T]rue adoption of a family perspective by the legal system will involve more than a mere semantic shift.")
I. The Historical Development of Family Courts

"'Family court' is a term with no agreed meaning."22 Many courts call themselves "family courts" without fully considering the implications of that term, while others consolidate their treatment of family legal matters without specifically calling themselves "family courts."23 The notion of a family court suggests a separate court or a separate division of a state court of general jurisdiction that exercises comprehensive subject-matter jurisdiction24 over all legal issues related to children and families.25 Defined most simply, a family court is a single forum within which to adjudicate the full range of family law issues,26 based on the notion that court effectiveness and efficiency increase when the court resolves a family's legal problems in as few appearances as possible.27

Historically, the concept of a family court evolved at about the same time as the juvenile court movement.28 While Chicago inaugurated the first juvenile court in 1899,29 society's concern with the effects of a broader range of family legal proceedings on families' lives led to the creation of another category of specialized courts as a means to improve court performance.30 Beginning in Cincinnati, Ohio, in 1914,
courts with jurisdiction over cases for both children and families began to appear in selected cities, including Des Moines, Iowa; St. Louis, Missouri; Omaha, Nebraska; Portland, Oregon; Gulfport, Mississippi; and Baton Rouge, Louisiana, among others.31

In 1959, three working groups collaborated to produce the Standard Family Court Act ("the Act"), designed to assist states interested in creating family courts.32 The drafters defined the purpose of the Act:

... to protect and safeguard family life in general, and family units in particular, by affording to family members all possible help in resolving their justiciable problems and conflicts arising from their inter-personal relationships, in a single court with one specially-qualified staff, under one leadership, with a common philosophy and purpose, working as a unit, with one set of family records all in one place, under the direction of one or more specially-qualified judges.33

The Act described the family court as a tribunal that could, if necessary, deviate from traditional adversary procedures to resolve family conflicts, thereby decreasing—or at least not further inflaming—the hostility of family law litigants toward each other.34 In addition, a significant feature of family courts as defined in the Act was their ability to integrate child and family legal proceedings in an effort to administer justice more efficiently in these cases.35 This followed from the belief that a court with a comprehensive view of all of a family's legal problems could resolve the issues more quickly and capably than could a system requiring the family to appear in several different tribunals for similar matters.36

Treating the family situation as a series of single separate controversies may often not do justice to the whole or to the several parts. The several parts are likely to be distorted in considering them apart from the whole, and the whole may be left undetermined in a series of adjudications of the parts.37

The articulated purpose of the Standard Family Court Act presumed that judges with a particular qualification and expertise in child and family legal matters would hear these cases and would provide continuity for the determination of a single family's case. The Act acknowledged the need to assist these judges by providing the family court with

31. Rubin & Flango, supra note 2, at 63.
32. Id.
34. Rubin & Flango, supra note 2, at 64.
35. Id. at 65; see also Roscoe Pound, The Place of the Family Court in the Judicial System, 5 Nat'l Probation & Parole Ass'n J. 161, 164 (1959).
36. Rubin & Flango, supra note 2, at 65.
37. Pound, supra note 35, at 164.
a case management system capable of containing the family's entire

court records in an easily accessible database.\textsuperscript{38}

After the Act's publication, several states created statewide family
courts. Rhode Island began its family court in 1961, New York began a
separate family court in 1962, and Hawaii established its family divi-
sion in 1965.\textsuperscript{39} Over the next several decades, Delaware, South
Carolina, New Jersey, and Vermont established statewide family
courts.\textsuperscript{40} During this same time period, other states passed legislation
creating permissive family courts in certain areas within their geo-
graphic jurisdictions.\textsuperscript{41} In addition, some states began the family court
process by expanding their juvenile courts to include other family
issues, thereby transforming them into family courts.\textsuperscript{42}

As early as 1959, then, with the publication of the Standard Family
Court Act, policymakers offered a valuable court reform proposal
structured to allow one court the opportunity to consider and resolve
all of a family's related legal problems. Drafters of the Act foresaw the
expertise of the judges sitting in this court, and the social services
available to the families, as necessary features to improve the lives of
individuals and families.

\section*{II. How America's Courts Adjudicate Family Legal Issues}

In order to evaluate whether our nation's court systems have
achieved the laudable goals articulated in the Standard Family Court
Act in 1959, or whether systems must change in order to resolve fam-
ily legal matters more effectively, one must examine how courts cur-
rently address the many challenges presented by family law decision-
making. Because state statutes and court rules do not accurately cap-
ture the existing structure and processes for adjudicating family law

\begin{itemize}
\item \textsuperscript{38} See, e.g., Szymanski et al., supra note 22, at 11. The authors discuss
FACTS (Family Automated Case Tracking System), a modern, computerized statewide
case management system operating in New Jersey:

[This case tracking system is] designed to be easily accessible to judges and staff,
as well as court and non-court agencies, by remote terminals tied into the com-
puter-based system. This system contains a family file of all information devel-
oped as a result of previous and pending court appearances of each family mem-
ber. This file provides the court with information about the strengths, weaknesses,
and capabilities of the family as a unit.

\textit{Id.} (footnote omitted); Rubin & Flango, supra note 2, at 11-12, 36 (discussing specif-
cically the operation of the Family Automated Case Tracking System).

\item \textsuperscript{39} Rubin & Flango, supra note 2, at 63-64; see Appendix A; see also Kay, supra
note 28, at 1225-32 (detailing an early family court proposal for California emanat-
ing from the California Governor's Commission on the Family).

\item \textsuperscript{40} Rubin & Flango, supra note 2, at 64; see Appendix A.

\item \textsuperscript{41} Id.

\item \textsuperscript{42} Shepherd, supra note 23, at 37.
\end{itemize}
matters, I have conducted a comprehensive national survey to access current court practice. A review of the results of my survey, depicted in Appendices A through D, guides this analysis of the manner in which America’s courts presently handle family law matters.

The systems analysis methodology for conducting this survey, involving telephone interviews with court personnel in fifty states and the District of Columbia from 1995 through 1997, and for summarizing the results has consisted of the following steps: identifying for each jurisdiction which court or courts decide family law matters; understanding each system’s goals by assessing how comprehensively the system defines family law adjudication; and determining each system’s function by describing judicial and case assignment methods employed in the system.43

A. Court System Structure for Family Law Decision Making

The survey begins by identifying for each jurisdiction both the court or courts that decide family law matters and the structure of those courts.44 Does the system provide a separate, distinct forum to determine family legal matters, or do several tribunals exist within which to resolve these issues? Is the family law adjudicatory system a separate court, is it a separate component of an existing trial court, or do family law cases comprise part of the court’s general civil trial docket? The results of this analysis reveal whether the court system offers a coordinated approach to family law adjudication and whether the system ascribes a sense of importance to the processing of family law cases.

At present, only eleven jurisdictions in the United States determine family law matters for the entire jurisdiction within a separate family court or within a separate family division or department of an existing trial court. These jurisdictions are Delaware, the District of Columbia, Florida, Hawaii, Massachusetts, New Jersey, New York, Rhode Island, South Carolina, Vermont, and Washington.45 Among these eleven jurisdictions,

44. See, e.g., Naomi R. Cahn, Family Law, Federalism, and the Federal Courts, 79 IOWA L. REV. 1073, 1097 (1994) (commenting, “Family law has a comparatively low status in the hierarchy of cases, in both federal and state courts, and domestic relations cases are perceived as involving ‘burdensome, fact-bound and often protracted . . . disputes.’ ”).
five (Delaware, New York, Rhode Island, South Carolina, and Vermont) have a completely separate and distinct family court; fifty (the District of Columbia, Florida, Hawaii, New Jersey, and Washington) handle family law matters within a separate division of a trial court; and Massachusetts assigns family law cases to a separate department of a trial court.

On the other hand, fourteen states, Alabama, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nevada, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, and Wisconsin, manage family law cases within a separate family court or within a separate family division of an existing trial court only in selected areas of the state.

Among these fourteen states, Louisiana and Mississippi have created separate family courts in limited geographic areas. Nine states (Alabama, Colorado, Missouri, Nevada, New Mexico, Ohio, Oklahoma, Pennsylvania, and Wisconsin) have created family divisions within existing trial courts; two states (Kansas and Oregon) utilize departments of existing trial courts to hear family law matters,

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and Texas has separate courts in larger counties and divisions of existing courts in smaller counties.\(^{53}\)

Nine states, California, Georgia, Illinois, Kentucky, Maine, Maryland, Michigan, New Hampshire, and Virginia, have planned or currently operate pilot family court projects in an effort to explore new ways to handle family law matters.\(^{54}\) Seven states among the nine already operate pilot family court projects (California, Georgia, Illinois, Kentucky, Maine, Maryland, and New Hampshire),\(^{55}\) six as divisions of existing trial courts and one (New Hampshire) as a separate family court.\(^{56}\) Michigan and Virginia have received legislative mandates to design and implement family courts.\(^{57}\) Michigan plans to operate the court as a division of the trial court,\(^{58}\) and Virginia expects to establish a separate family court.\(^{59}\)

The remaining seventeen states, Alaska, Arizona, Arkansas, Connecticut, Idaho, Indiana, Iowa, Minnesota, Montana, Nebraska, North Carolina, North Dakota, South Dakota, Tennessee, Utah, West Virginia, and Wyoming, do not possess any specialized or separate system to handle family law matters. These states process family law cases as part of the general civil trial docket.\(^{60}\)

\(^{53}\) Telephone Interview with Jim Hutchinson, Texas Supreme Court Administration (Mar. 27, 1997).


\(^{57}\) MICH. COMP. LAWS ANN. § 600.1001 (West Supp. 1997); Telephone Interview with Lelia Hooper, Director, Virginia Family Court Project (May 29, 1997).

\(^{58}\) MICH. COMP. LAWS ANN. § 600.1003 (West Supp. 1997).


B. Functional Features of Family Law Adjudicatory Systems

In addition to capturing the court's general structure, it is important to examine in more detail the function of a state's family law adjudicatory system. Answering the following questions for each jurisdiction

helps us understand the system’s goals and performance related to family law decision making. Does the court having subject-matter jurisdiction over family law cases also have comprehensive jurisdiction to hear a broad range of family legal issues, or is the subject-matter jurisdiction limited to certain types of family law cases? How long do judges sit on the family law docket? Do judges sit long enough to have the potential to develop a degree of specialization in family law decision making? Are cases assigned in a manner that allows one judge to hear a family law case from beginning to end, or do the litigants appear before several judges for determination of the same or related legal issues, so that all the judges lack familiarity with the litigants and their family legal matters? This analysis can clarify the extent to which the system succeeds in offering a comprehensive and coordinated approach to family law decision making.

1. SUBJECT-MATTER JURISDICTION

The family law subject-matter jurisdiction of the eleven statewide family law adjudicatory systems varies considerably. Six jurisdictions (Delaware, the District of Columbia, Hawaii, New Jersey, Rhode Island, and South Carolina) assign comprehensive jurisdiction to the courts, thereby enabling the courts to decide the broad range of family legal issues. The remaining five states (Florida, Massachusetts, New York, Vermont, and Washington) limit the courts’ jurisdiction to hear various aspects of family law cases. For example, the New York Family Court does not have jurisdiction over divorce actions, although it maintains jurisdiction over support, child custody, and distribution of marital property proceedings.


62. See supra note 1 (defining comprehensive jurisdiction).


64. The New York Family Court has jurisdiction over child abuse and neglect proceedings; support proceedings; child custody; distribution of marital property; conciliation; proceedings concerning physically handicapped and mentally defective or retarded children; paternity; termination of custody based on neglect; proceedings concerning whether a person is in need of supervision; and proceedings concerning juvenile delinquency. N.Y. FAM. CT. ACT § 115 (McKinney 1988 & Supp. 1997).
Oklahoma, Oregon, Pennsylvania, Texas, and Wisconsin), only Nevada authorizes comprehensive subject-matter jurisdiction.65

Among the nine states that recently have begun the process of implementing pilot or planned family courts, four (Georgia, Maryland, Michigan, and Virginia) have chosen to offer comprehensive subject matter jurisdiction66 and five (California, Illinois, Kentucky, Maine, and New Hampshire) have assigned limited family law subject-matter jurisdiction.67

2. CASE ASSIGNMENT METHODS AND LENGTH OF JUDGES' TERMS

The eleven jurisdictions with fully operational statewide family courts, divisions, or departments also differ with regard to the length of a judge's term in this setting, as well as with regard to their method of assigning cases to a judge. The length of a judge's term within these systems varies from nine months in the District of Columbia68 to a life term upon appointment to the court in Massachusetts and Rhode Island.69 Five states (Hawaii, New Jersey, New York, Rhode Island, and Vermont) generally assign family law cases to the judges for the duration of the case,70

65. NEV. REV. STAT. § 3.223 (Supp. 1995).
68. Within the Family Division, judges hear particular types of cases, with assignments made by the Chief Judge and ranging from ninety days to nine months. Telephone Interview with Edward Ricks, Director of the District of Columbia Family Division (June 27, 1997); see Appendix C.
69. Telephone Interview with William F. Ryan, Jr., Assistant Court Administrator, Probate and Family Court of the State of Massachusetts (May 7, 1997); R.I. GEN. LAWS § 8-16.1-7 (Supp. 1996); see Appendix C.
70. Telephone Interview with Richelle Kawasaki, Clerk to Judge Michael Town in Hawaii (Aug. 2, 1995); Telephone Interview with Marie Pirog, Staff Attorney for the New Jersey Family Law Division (May 19, 1997)(In the smallest counties in New Jersey, one judge hears all cases; thus, the one judge/one family model applies. In slightly larger counties, one judge is assigned specifically to the Family Division, and that judge hears all family law cases, again corresponding to the one judge/one family model. In the larger counties, the systems vary. In some counties, individual judges specialize in one aspect of family law and only hear cases on that particular issue, suggesting a one judge/one case approach. In other counties, the cases are assigned on a rotational basis, corresponding to a traditional calendar assignment.). Telephone Interview with Andrea Hoyt, Court Analyst for the New York Office of Court Administration (May 7, 1997); Telephone Interview with Anthony Panichas, Deputy Administrator for the Rhode Island Family Court (May 19, 1997); Telephone Interview with Lee Suskin, Vermont State Court Administrator (May 23, 1997); see Appendix D.
including any motions or modifications related to the case. 71 Only Delaware assigns a particular family to a specific judge so that each time family members appear in court on any family law matter, they appear before the same judge. 72 Florida's preferred method is to assign a particular family to a specific judge, although each judicial circuit may adopt its own case assignment method. 73 Four jurisdictions (the District of Columbia, Massachusetts, South Carolina, and Washington) 74 assign family law cases to judges in the same manner as other civil assignments, on a daily, weekly, monthly, or other regularly scheduled basis; 75 thus, one judge may not hear a case from start to finish.

The term length for a judge assigned to a family law tribunal in the fourteen states with separate family courts, divisions, or departments within selected areas of the state ranges from two years in New Mexico 76 to an indeterminate assignment in Kansas. 77 Four states (Louisiana, Nevada, Ohio, and Oregon) among the fourteen assign family law cases to judges in the traditional manner of civil assignment and at regular intervals, so that the potential exists for more than one judge to hear aspects of the same case. 78 Four states (Kansas, Delaware, it's preferred method is to assign a particular family to a specific judge, although each judicial circuit may adopt its own case assignment method. Florida's preferred method is to assign a particular family to a specific judge, although each judicial circuit may adopt its own case assignment method. Four jurisdictions (the District of Columbia, Massachusetts, South Carolina, and Washington) assign family law cases to judges in the same manner as other civil assignments, on a daily, weekly, monthly, or other regularly scheduled basis; thus, one judge may not hear a case from start to finish.

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Mississippi, Oklahoma, and Pennsylvania) assign one judge to a family for all family law proceedings involving the family, and three states (Colorado, Missouri, and Texas) assign one judge to one family in some areas of the state. Three states (Alabama, New Mexico, and Wisconsin) follow the one judge/one case method of case assignment, where one judge completes a case yet will not necessarily hear another family law proceeding involving the same family.

The term length for judges in the nine states that recently have begun the process of implementing pilot or planned family courts varies from one or several days at a time in Maine to permanent judicial assignments in Kentucky. Four states (California, Illinois, Kentucky, and New Hampshire) which currently operate pilot family court projects assign cases by the one judge/one family method. Maine assigns
cases by the traditional manner of assignment at regular intervals. Georgia and Maryland have not yet determined how to assign cases. The planned family courts in Michigan and Virginia intend to assign one judge to one family for all family law matters.

Seventeen states (Alaska, Arizona, Arkansas, Connecticut, Idaho, Indiana, Iowa, Minnesota, Montana, Nebraska, North Carolina, North Dakota, South Dakota, Tennessee, Utah, West Virginia, and Wyoming) process family law cases as part of the court system's general civil trial assignment, with no coordinated approach to family law decision making and with no foreseeable plan to alter this system. In these states, family members can appear in as many as four courts for resolution of various family legal issues. Within these seventeen states, the average number of courts with jurisdiction over family law matters is two.

III. A Call for Court Reform

This survey of court structure and operation illustrates the attempts some court systems have made to integrate and coordinate their handling of family and child legal proceedings. The survey also highlights the extent to which many adjudicatory systems retain fragmented, limited, and overlapping family law subject-matter jurisdiction. These courts have not addressed the special issues of family law decision-making. The problems that result from such a lack of integration are extensive, as studies at the national, state, and local levels have documented.

85. Telephone Interview with Diane Harvey, Clerk of Administrative Court and Clerk of Maine Family Court Pilot Project (May 28, 1997); see Appendix D.
86. STATE BAR OF GEORGIA COMMISSION ON FAMILY COURTS, REPORT AND RECOMMENDATIONS, 5-6 (1995); Telephone Interview with Judith Moran, Baltimore City, Maryland, Family Division Case Coordinator (May 1, 1997); see Appendix D.
87. MICH. COMP. LAWS ANN. § 600.1023 (West Supp. 1997), effective January 1, 1998; Telephone Interview with Lelia Hooper, Director, Virginia Family Court Project (May 29, 1997); see Appendix D.
88. See supra note 38; see also Appendix A.
89. In Indiana, for example, the Circuit Court, Superior Court, Municipal Court, and County Court all possess family law subject-matter jurisdiction. Telephone Interviews with Jack Stark, Staff Attorney, Division of Indiana State Court Administration (July 17, 1995), and Jeff Berkovitz, Director of Indiana Probate and Juvenile Services (July 3, 1997); see Appendix A.
90. See Appendix A.
91. See STEPHEN P. JOHNSON, JUST SOLUTIONS: SEEKING INNOVATION AND CHANGE IN THE AMERICAN JUSTICE SYSTEM (1994)(reporting on the American Bar Association's national conference in 1994 to encourage dialogue among lawyers, judges, and the public regarding needed justice system improvements); CALIFORNIA SENATE TASK FORCE ON FAMILY RELATIONS COURT, SENATE TASK FORCE ON FAMILY RELATIONS COURT: FINAL REPORT 1-6 (1990)(describing problems for family law litigants within California's court system as multiple hearings, conflicting orders, unrealistic expectations, delay in receiving services, and inadequate allocation of court resources); GOVERNOR'S CONSTITUENCY FOR CHILDREN, A FAMILY COURT FOR FLORIDA 10-11 (1988) (defining high volume, delay, lack of coordination, and inconsistency as issues in Florida's han-
Traditionally, the legal system has separated civil and criminal matters, and it has distinguished among classes of cases within these categories. When applied to family law decision making, this configuration has resulted in conflicting jurisdiction among courts, unpredictable decision making, a waste of judicial and litigant resources, successive appeals, and inefficient court administration. Particularly for litigants experiencing multiple family law problems, this traditional structure has created serious negative consequences.

In virtually all cases, in virtually all communities, the myriad courts and social service agencies do not communicate adequately with each other, resulting in unnecessary delay, duplication and contradictory rulings and recommendations. Moreover, the same family may have to appear in a family court, a juvenile court and a probate court, all of which are located in different parts of the community. This system wastes money and does not serve children well.

Specific problems associated with conflicting jurisdiction in situations where families experience several related legal problems appear in the following scenario:

[I]n an abuse case the judge may have determined that a father has sexually abused his daughter and prohibited his future contact with the

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92. Williams, supra note 3, at 385.
93. Pound, supra note 35, at 162; see also Maxine Boord Virtue, Family Cases in Court (1956)(discussing an early comprehensive study of family law case handling by court systems in Chicago, Illinois; Indianapolis, Indiana; San Francisco, California; and Toledo, Ohio).
94. ABA Presidental Working Group, supra note 7, at 53-54; see also Williams, supra note 3, at 388.
daughter. However, in the concurrent dissolution of marriage action between the child’s parents, a second judge may have excluded evidence of the father’s sexual misconduct and ultimately ordered visitation between the father and daughter.95

A Maryland study identified impediments to family justice that are typical of those plaguing many court systems nationwide.96 The report listed the following as the most pressing concerns:

(1) the resolution process is often time-consuming, expensive, and cumbersome, with some aspects of the dispute being adjudicated more than once;
(2) proper attention is not being given to child-related issues, which are being allowed to fester as part of other aspects of a family-law dispute;
(3) there is inadequate systemic resort to non-judicial resolution techniques (ADR) that might provide better, quicker, cheaper, and less acrimonious solutions to many of these kinds of cases;
(4) there is inadequate coordination and consolidation of litigation involving the same family—a case, or several cases, involving the same family may be dealt with by different judges or masters, or even by different courts—thus inhibiting a rational, coordinated, stable approach to both the litigation and the problems that spawned it;
(5) in some instances, judges sitting on family-law cases display either a lack of interest, a lack of temperament, or a lack of understanding with respect to these cases; and
(6) the courts are not giving proper attention to the special needs of poor people, who often cannot afford representation by counsel and need, or desire, to proceed pro se.97

The prevailing fragmented approach to family law adjudication in this country does not allow one court the opportunity to hear the total extent of a family’s problems, thereby depriving any court of the power to completely resolve family legal matters98 and exposing the system to manipulation by the litigants.99 A New York Family Court judge has commented on the court’s lack of power to resolve all related issues in a case:

The court regrets the delay created for the litigants because of our failure to dispose of all the issues raised. It is but another sad example of the unworkability of our present court system wherein there is a partial but not total overlap of authority and responsibility. This situation can only be corrected by knowledgeable and realistic court reform.100

95. Williams, supra, note 3, at 388 (footnote omitted).
96. See supra note 91.
97. ROBERT C. MURPHY, REPORT OF THE FAMILY DIVISION REVIEW COMMITTEE 6-7 (1993)(emphasis in original)(reporting results of a legislatively mandated study summarizing two in-depth reports about Maryland’s family law adjudicatory system).
99. Williams, supra note 3, at 388 (suggesting that unhappy litigants can file successive actions in different courts in systems where fragmentation exists).
100. Id.
The negative consequences of this approach to family law decision-making become more apparent when one focuses on the sheer magnitude of family law cases. Divorce cases nationally constitute over 50 percent of all civil actions filed in trial courts. In the decade from 1984 until 1994, the number of juvenile cases has increased nationwide 50 percent and the number of family law cases has increased 65 percent. This staggering volume exposes the pressing need to reform the judicial system so that courts can resolve family law cases in a more comprehensive, coordinated, and effective manner.

IV. Conclusion

As society has become more complex and the presentation of cases involves greater use of social sciences, a judicial system which is responsible to determine difficult issues of medical malpractice, product liability, antitrust, or psychiatric defenses to criminal charges can be reasonably expected to develop and apply the expertise of its judges and staff necessary to comprehensively resolve family law matters.

This article has suggested that states must begin the process of examining the responsiveness and effectiveness of their family law adjudicatory systems. While family legal matters have increased dramatically and have become more complex over the last several years, many court systems have not responded to these changing dynamics. The magnitude of family law cases nationwide requires that courts assume greater responsibility toward all family law litigants. As the results of the nationwide survey detailing family law adjudicatory systems have revealed, “there is no single national approach to court structure in dealing with these matters.”

Prior to instituting any significant changes in court structure, however, each state initially should conduct a comprehensive analysis of its existing family law adjudicatory systems. The study should assess the volume of family law cases and the length of time between filing initial pleadings and obtaining temporary and permanent hearings in those cases. It is important to ascertain judges’ interest in, sensitivity

102. Barnes, supra note 10, at 22.
103. Singer, supra note 101, at 1563.
to, and expertise about family law matters, as well as to determine the number of judges who could participate in any one family’s domestic legal matters, either for a single case or for recurrent cases. An examination of court-related and support services must occur in an effort to determine whether and how well these services coordinate with the court system to help resolve families’ problems. States must identify both trends in family law matters and some sense of the priorities court systems afford family legal matters.

On a more technical level, states should examine their docket assignment practices, the effectiveness of masters’ or nonjudicial officers’ systems, and the assignment and selection of domestic judges. States should attempt to determine in some manner the satisfaction of litigants with decisions in family law cases. States must evaluate whether their court procedures are uniform statewide and the degree to which procedures vary from jurisdiction to jurisdiction.

If, after conducting this comprehensive family law adjudicatory system analysis, change seems appropriate, reformers can look to fundamental principles operating within existing family courts as a means to guide court reform efforts. Adhering to these basic principles for court reorganization assists states to provide more effective service to their citizens in one of the most complex areas of people’s lives—the resolution of legal problems surrounding intra- and inter-family relationships. “When considered in terms of the disputes presented and the impact of their resolution upon the litigants and others, the family court is the most powerful branch of the judiciary.” States must acknowledge and live up to their responsibility to overhaul outdated and ineffective family justice systems:

Change is difficult. And yet it is constant. Justice for children and families can be assured only if change is proposed and guided by thoughtful individuals who understand the complexities of this system and have not lost their ability to see beyond those complexities.

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106. See Page, supra note 22, at 11 (suggesting that the volume of post-judgment motions or applications and enforcement proceedings best indicates the effectiveness of court orders).
# APPENDIX A

State Court Systems for Determining Family Law Matters

<table>
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<tr>
<th>STATE</th>
<th>Statewide Family Court/Division/Department</th>
<th>Family Court/Division/Department in Selected Areas of State</th>
<th>Planned or Pilot Family Court/Division/Department</th>
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1. Family Law matters are defined to include divorce, annulment, and property distribution; child custody and visitation; alimony and child support; paternity, adoption, and termination of parental rights; juvenile causes (juvenile delinquency, child abuse, and child neglect); domestic violence; criminal non-support; name change; guardianship of minors and disabled persons; and withholding or withdrawal of life-sustaining medical procedures, involuntary admissions, and emergency evaluations. Del. Code Ann. tit. 10, §§ 921-928 (Supp. 1996).

2. Local legislative acts establish Family Court Divisions. Family Court Divisions exist in the larger judicial circuits, in areas where the population is large enough to support such divisions. Ala. Code § 12-17-24.1 (1995); Telephone Interview with Robert Maddox, Staff Attorney, Administrative Office of Courts (Mar. 5, 1997).

3. The Superior Court, District Court, and/or Youth Court hear family law cases. Alaska Stat. §§ 22.10.020, 22.15.030 (Michie 1988); Alaska Stat. Ann. § 47.10.65 (Michie 1995); Telephone Interviews with Stephanie Cole, Deputy Director, Administrative Office of the Courts (July 11, 1995; Mar. 5, 1997).


7. Colorado has established Family Law Divisions internally in Colorado Springs, Denver, and Arapahoe County. Telephone Interview with Cheri Kester, Office of the State Court Administrator (Apr. 10, 1997).


11. Either local rules or administrative orders expressly approved by the Supreme Court control implementation of Family Divisions in Circuit Courts. Telephone Interview with Gwen Stewart, Senior Attorney for Family Court (Apr. 11, 1997). See also In re Report of Commission on Family Courts, 588 So. 2d 386, 591 (1991).


Transmission from, Joy L. Lee, Court Administrator, Sixth Municipal District, Circuit Court of Cook County (Aug. 1, 1997).

16. The Circuit Court, Superior Court, County Court, and Probate Court hear family law cases. IND. CODE ANN. § 33-4-4-3 (Michie 1992); IND. CODE ANN. §§ 33-4-4.5-1 to 33-5-50-11 (Michie 1992 & Supp. 1996); IND. CODE ANN. § 31-6-2-1.1 (Michie Supp. 1996); IND. CODE ANN. § 33-8-2-10 (Michie 1992); IND. CODE ANN. § 33-8-2-9 (Michie 1992); Telephone Interviews with Jack Stark, Staff Attorney, Division of State Court Administration (July 17, 1995; Mar. 27, 1997); Telephone Interview with Jeff Berkowitz, Director of Probate and Juvenile Services (July 3, 1997).

17. The District Court and Juvenile Court hear family law cases. IOWA CODE ANN. §§ 232.61, 232.109 (West 1994); IOWA CODE ANN. §§ 602.7101, 600.3, 598.2 (West 1996); Telephone Interviews with David Ewert, Director of Appellate Screening (July 7, 1995; Mar. 20, 1997).

18. The District Court, Superior Court, County Court, and Probate Court hear family law cases. KAN. STAT. ANN. § 20-438 (1995). Douglas County established its Family Department under this statute. Telephone Interviews with Kathy Kirk, Kansas Judicial Center (May 7, 1996; Apr. 3, 1997).


23. Massachusetts established its Probate and Family Court Department in 1978. The Massachusetts Trial Court consists of the following departments: the Superior Court Department, the Housing Court Department, the Land Court Department, the Probate and Family Court Department, the Boston Municipal Court Department, the Juvenile Court Department, and the District Court Department. MASS. GEN. LAWS ch. 211B, § 1 (Supp. 1996).


26. Harrison County is the only county in Mississippi that has a Family Court. Only counties which meet certain requirements, namely, counties that are heavily populated, can establish Family Courts. MISS. CODE ANN. § 43-23-1 (1993).

27. There are presently seven Family Courts throughout the state of Missouri. Six of these courts, specifically created by statute, exist in the larger metropolitan areas. Other circuits can choose, by local court rule, to establish a Family Court in their circuit. MO. REV. STAT. § 487.010 (Supp. 1997). Telephone Interview with Gary Waint, Director of Juvenile and Family Court Programs (May 20, 1997).

28. The District Court and the Youth Court hear family law cases. MONT. CODE ANN. §§ 40-4-104, 40-6-109, 41-3-103, 41-5-203 (1995); Telephone Interviews with Chris Wethern, Staff Attorney, Administrative Office of the Courts (June 29, 1995; Mar. 20, 1997).

29. The District Court, County Court, and Juvenile Court hear family law cases. NEB. REV. STAT. §§ 24-517, 24-247, 42-348 (Supp. 1996); Telephone Interviews with Joseph C. Steele, Court Administrator (June 29, 1995); Sherry Lampe, Assistant Court Administrator (Mar. 27, 1997).

30. Family Courts are authorized in counties with population greater than 100,000. Currently two counties, Clark and Washoe, have Family Courts. NEV. REV. STAT. § 3.0105 (Supp. 1995); Telephone Interview with Kathy Harrington, Assistant Law Librarian, Office of Washoe County Family Court Judge Scott Jordan (Apr. 10, 1997).
31. The pilot project has operated since July, 1996. Telephone Interview with Craig Briggs, Administrator of Family Division Project (June 2, 1997).

32. New Jersey established its Family Division by Constitutional Amendment in 1983 (N.J. CONST. art. 6, § 3, para. 3). N.J. STAT. ANN. § 2A:4-3 (West 1987) addressed court personnel conditions, qualifications and requirements. It was repealed in 1991 by N.J. STAT. ANN. §§ 2B:3-1 to 5-3 (Supp. 1997), upgrading certain court employee conditions, qualifications and requirements; the constitutional provision establishing the Family Division remains effective. Letter from Jeffrey A. Kuhn, Assistant Director for the Family Division of the Courts of New Jersey (Apr. 28, 1997).

33. Family Court divisions of the District Court, created by District Court rule, only exist in the larger districts where the population creates the need for such a division. Presently there are two Family Courts. Telephone Interviews with Fern Goodman, Staff Attorney, Administrative Office of the Courts (June 5, 1996; Mar. 27, 1997; Apr. 24, 1997).


35. The District Court and the Juvenile Court hear family law cases. N.C. Const. art. 6, § 1; N.C. GEN. STAT. §§ 7A-517(9), 7A-523, 50-4 (1995); Telephone Interview with Fred M. Morelock, District Court Judge (June 29, 1995); Betty Wall, Assistant Clerk of the Supreme Court (Mar. 20, 1997).


39. Family Court Domestic Relations Departments exist in at least Marion, Multnomah, Clackamas, Deschuts, and Lane Counties. Telephone Interview with Sue Gerhardt, Office of Hugh McIsaac, Director of Family Court Services (Apr. 10, 1997).

40. Family Court Divisions only exist in Philadelphia and Allegheny Counties. 42 PA. CONS. STAT. ANN. § 951 (West 1981). Each Court of Common Pleas has a Domestic Relations services section, which consists of probation officers and other court staff. 42 PA. CONS. STAT. ANN. § 961 (West 1981).


43. South Dakota’s Circuit Court is the only court of general jurisdiction; therefore, the Circuit Court hears all family law cases. S.D. CODIFIED LAWS §§ 26-7A-2, 25-3-1, 25-5A-5, 25-6-6 (Michie 1992); S.D. CODIFIED LAWS §§ 26-7A-1, 25-10-2 (Michie 1997); Telephone Interviews with Michael Buenger, State Court Administrator (Aug. 30, 1995); Ken Olander, State Court Administrator’s Office (Apr. 3, 1997).


45. In the larger counties, the Family District Courts are separate courts; however, in the smaller counties, the Family District Courts are merely divisions of the District Courts. Telephone Interview with Jim Hutchinson, General Counsel, Office of the Court Administrator (Mar. 27, 1997).

46. The District Court and Juvenile Court hear family law cases. UTAH CODE ANN. §§ 78-3a-16, 78-3a-17 (1996); UTAH CODE ANN. § 30-3-16.1 (1995); Telephone Interviews with Brant Johnson, Acting General Counsel, Administrative Office of the Courts (July 27, 1995); Cheryll May, Public Information Officer (Mar. 20, 1997).

48. Virginia's Family Court Project is presently on hold. Legislation creating the project passed in 1993 and remains in effect until June 1, 1998. The Legislature has not funded the project, however; thus, the Family Court presently does not exist. Telephone Interview with Lelia Hooper, Director, Family Court Project (May 29, 1997).


51. The only Family Division, established by local rule, exists in Milwaukee. Telephone Interviews with Cindy Hapka, Office of Wisconsin District Court Administrator (Mar. 20, 1997; Apr. 10, 1997).

52 The County Court and District/Juvenile Court hear family law cases. WYO. STAT. ANN. §§ 1-22-104, 14-6-203, 14-1-203, 14-2-106, 20-2-104, 5-5-135 (1997); Telephone Interviews with Allen Johnson, Senior Staff Attorney, Administrative Office of the Courts (July 27, 1995); Elaine Kirby, Fiscal Specialist for Administrative Office of the Courts (Mar. 20, 1997).
## APPENDIX B
Subject Matter Jurisdiction of Family Courts/Divisions/Departments
(Including Planned or Pilot Courts)

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1. Comprehensive subject-matter jurisdiction, in this Appendix, is defined to include divorce, annulment, and property distribution; child custody and visitation; alimony and child support; paternity, adoption, and termination of parental rights; juvenile causes (juvenile delinquency, child abuse, and child neglect); domestic violence; criminal non-support; name change; guardianship of minors and disabled persons; and withholding or withdrawal of life-sustaining medical procedures, involuntary admissions, and emergency evaluations. Del. Code Ann. tit. 10, §§ 921-928 (Supp. 1996). Individual states may vary with regard to inclusion of particular subject-matter jurisdictional areas. Any state defined to have comprehensive subject-matter jurisdiction, however, has jurisdiction over a majority of the above subjects.

2. Limited subject-matter jurisdiction, in this Appendix, includes jurisdiction over less than a majority of the subjects set forth in footnote 1 above.
3. Family Court Divisions are established by local legislative acts; thus, jurisdiction varies. Generally, Family Court Divisions have jurisdiction over cases involving divorce, annulment, custody and support of children, granting and enforcement of alimony, and all other domestic and marital matters over which the Circuit Court has jurisdiction. Telephone Interview with Robert H. Maddox, Staff Attorney, Administrative Office of Courts (Mar. 5, 1997).

4. San Mateo County Family Law Pilot Project has jurisdiction over temporary child support, temporary spousal support, temporary health insurance, and mediation of contested custody/visitation cases. CAL. FAM. CODE § 20010 (West 1994 & Supp. 1997). Santa Clara County's Family Court has jurisdiction over temporary or permanent child or spousal support, modifications of temporary or permanent child or spousal support, health insurance, custody or visitation in a proceeding for dissolution of marriage, nullity of marriage, legal separation of the parties, exclusive custody, or pursuant to the Uniform Parentage Act. CAL. FAM. CODE § 20031 (West 1994 & Supp. 1997); Telephone Interview and Electronic Mail follow-up with Jennifer Gaspar, Training Coordinator, Administrative Office of the Courts (Mar. 5, 1997).

5. Subject matter jurisdiction varies, but it can include divorce, annulment, and property distribution; child custody and visitation; alimony and child support; paternity, adoption, and termination of parental rights; juvenile causes; and domestic violence. Telephone Interview with Cheri Kester, Office of the State Court Administrator (Apr. 10, 1997). In addition, Family Law magistrates appointed in each judicial district issue, modify, and enforce child support orders. COLO. REV. STAT. § 13-5-301 (Supp. 1996).


8. Jurisdiction of the Family Division varies by each judicial circuit; however, the Family Division can hear dissolution of marriage, custody, visitation, property, reciprocal support, name change, paternity, adoption, and domestic violence cases. Additionally, the Supreme Court of Florida has recommended the inclusion of juvenile dependency and delinquency proceedings. See In re Report of Commission on Family Courts, 588 So.2d 586, 591 (1991); Telephone Interview with Gwen Stewart, Senior Attorney for Family Court (Apr. 11, 1997).


11. The Fifth Municipal District's Unified Family Court Project currently hears “divorce cases and other related matters such as child support enforcement, collection and civil orders of protection.” The Court expects to expand its jurisdiction to include juvenile delinquency and child protection matters sometime in the Fall of 1997. John Flynn Rooney, 5th Municipal District Opens Unified Family Court Project, DAILY L. BULL. July 22, 1997, at 1.

12. The jurisdiction of the Douglas County Family Department includes divorce, annulment, separate maintenance, custody, support, paternity, visitation and related matters; child in need of care, termination, adoption and related matters; juvenile offenses and traffic offenses committed by juveniles; and protection from abuse in domestic violence cases. Sedgwick and Shawnee Counties have modified Family Departments handling paternity, separations, and divorce. Telephone Interviews with Kathy Kirk, Kansas Judicial Center (May 7, 1996; Apr. 3, 1997).

13. The Jefferson County Family Court Pilot Project hears all cases of divorce, adoption, termination of parental rights, dependency, neglect, abuse, paternity, status, and emergency protective order cases. Telephone Interviews with Jim Birmingham, Family Court Administrator (May 8, 1996); Carla Prather, General Counsel for the Jefferson County Family Court (Apr. 24, 1997).

14. The Family Court for East Baton Rouge Parish has jurisdiction over divorce, annulment, paternity, spousal and child support, custody and visitation, and all matters incidental to any of the foregoing proceedings. The Family Court also has jurisdiction over all proceedings for writs of habeas corpus for the determination and enforcement of rights to the custody of minors or for the release of any person in actual custody in any case where the Family Court has original jurisdiction. LA. REV. STAT. ANN. § 13:1401 (West Supp. 1997).
15. The Family Court Pilot Project provides specialized and expedited procedures for all cases involving divorce, post-divorce motions, paternity, protection from abuse, parental rights and responsibilities, and unmarried parents. Telephone Interviews with Judge Joyce A. Wheeler, Director of Family Court Pilot Project (Aug. 18, 1995; Apr. 3, 1997).


17. The subject matter jurisdiction of the Massachusetts Probate and Family Court Department includes probate of wills, administration of trusts and estates, the appointment of guardians and conservators, adoption, change of names, divorce, and annulment. MASS. GEN. LAWS ch. 215, § 3 (1989).


19. The Family Court has original jurisdiction in all proceedings concerning any delinquent or neglected child and jurisdiction as provided in the Youth Court Law of 1946. MISS. CODE ANN. § 43-23-5 (1993).

20. The Family Court has jurisdiction over marriage, legal separation, separate maintenance, child custody and modification actions; annulment; adoption; juvenile proceedings; paternity; child support and enforcement; adult abuse and child protection actions; name change; and marriage license waiting period waivers. MO. REV. STAT. § 487.080 (Supp. 1997).


24. The Family Court division has jurisdiction over divorce, annulment, property distribution, child custody, visitation, alimony, child support, paternity, termination of parental rights, grandparent visitation, and domestic violence. Telephone Interviews with Delores Saavedra, Clerk of the Court (May 7, 1996); Fern Goodman, Staff Attorney, Administrative Office of the Courts (Mar. 27, 1997).

25. The Family Court has jurisdiction over child abuse and neglect proceedings; support proceedings; child custody; distribution of marital property; conciliation; proceedings concerning physically handicapped and mentally defective or retarded children; paternity; termination of custody based on neglect; proceedings concerning whether a person is in need of supervision; and proceedings concerning juvenile delinquency. N.Y. FAM. CT. ACT § 115 (McKinney 1988 & Supp. 1997).

26. There are eighty-eight counties in Ohio and six different types of domestic relations divisions within the Courts of Common Pleas. One type handles divorce and support (twelve counties). A second type hears divorce, support, and juvenile matters (six counties). The third type of domestic relations division is part of the general Court of Common Pleas which also hears juvenile and probate matters (seven counties). A fourth type has jurisdiction over divorce, support, and paternity cases (five counties). In one county (the fifth type), the domestic relations division has jurisdiction over divorce, support, juvenile matters, and probate. The remaining fifty-seven counties do not have domestic relations divisions; the Court of Common Pleas hears domestic cases, as well as criminal and civil matters. Telephone Interviews with Doug Stephens, Project Manager of Family Court Feasibility Study (May 8, 1996; Apr. 24, 1997).

27. The jurisdiction of the Family Law Division, which is created by local rule, varies in Oklahoma and Tulsa Counties. In both counties the Family Law Division hears divorce, annulment, property distribution, child custody and visitation, alimony, child support, paternity, and termination of parental rights. The Family Law Division of either county does not hear juvenile cases. Telephone Interviews with Sheila Sewell, Deputy Director of the Administrative Office of the Courts (May 7, 1996; Mar. 27, 1997).

28. Subject matter jurisdiction includes divorce, child custody, child support, visitation, filiation, proceedings to commit a mentally ill person, guardianship for minors, juvenile proceedings, domestic violence, adoption, and any other proceedings dealing with domestic relationship disputes. OR. REV. STAT. § 3.408 (1995).
29. The Family Court Division has jurisdiction over desertion or nonsupport of wives, children and indigent parents; child custody; divorce, annulment and property matters relating thereto; dependent, delinquent and neglected children; adoptions; and delayed birth certificates. PA. SCHED. CONST. art. 5, § 16.
32. The jurisdiction of the Family District Court includes adoptions, birth records, divorce, annulments, child welfare, custody, child support, reciprocal support, termination of parental rights, dependency, neglect, and delinquency. TEX. GOV’T CODE ANN. § 24.601 (West 1988); Telephone Interview with Jim Hutchinson, General Counsel, Office of the Court Administrator (Mar. 27, 1997).
33. The Family Court has jurisdiction over divorce, annulment, and property distribution; child custody and visitation; alimony; paternity; juvenile causes (juvenile delinquency, child abuse and child neglect); domestic violence; criminal non-support; name change; and mental health. VT. STAT. ANN. tit. 4, § 454 (Supp. 1996). There is also an office of magistrate within the Family Court, with jurisdiction over child support establishment, modification, and enforcement; reciprocal support actions; and child support in paternity cases after determining parentage. VT. STAT. ANN. tit. 4, § 461 (Supp. 1996).
35. The Family Court has jurisdiction over proceedings involving the determination or modification of parenting plans, child custody, visitation, support, and the distribution of property or obligations. WASH. REV. CODE ANN. § 26.12.010 (West 1997).
36. Subject matter jurisdiction includes divorce, child custody, visitation, child support and maintenance, family support, division of property, reciprocal support actions, and guardian ad litem. The Family Division does not handle juvenile and adoption matters. Telephone Interviews with Ron Witkowiak, Wisconsin District Court Administrator (Aug. 28, 1995); Cindy Hapka, Office of Wisconsin District Court Administrator (Mar. 20, 1997).
APPENDIX C
Length of Judges' Terms Within Family Courts/Divisions/Departments
(Including Planned or Pilot Courts)

<table>
<thead>
<tr>
<th>STATE</th>
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<th>More Than 10 Years</th>
<th>Varies or Not Specified</th>
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1. Local legislative acts establish Family Court Divisions; thus, judge term varies by locality. Generally, judges of the Family Court Divisions serve a six year term in that division. Telephone Interview with Robert H. Maddox, Staff Attorney, Administrative Office of Courts (Mar. 5, 1997).

2. The judge term for each Family Law Pilot Project was not specified as the duration of the pilot projects was two years, ending July 1, 1996. CAL. FAM. CODE § 20002 (West 1994).

3. Judges serve for four years. Telephone Interview with Cheri Kester, Office of the State Court Administrator (Apr. 10, 1997).


5. Judges are assigned for nine months. Telephone Interview with Edward Ricks, Director of Family Division (June 27, 1997).

6. The Commission on Family Courts recommends a judge term of three years within the Family Division. See In re Report of Commission on Family Courts, 633
8. Judges serve a six year term in the Family Division. District Court judges are assigned to the Family Court at the District Court level. Rotation through the juvenile, domestic, and special dockets of the Family Division occurs at varying intervals. The senior Family Court judge is a Circuit Court judge. Telephone Interview with Richelle Kawasaki, Law Clerk with the office of Senior Judge Michael A. Town, Family Court of the First Circuit (Apr. 3, 1997).

9. Assignments are made at the pleasure of the Chief Judge. Telephone Interview with Joy L. Lee, Court Administrator, Sixth Municipal District, Circuit Court of Cook County (Aug. 1, 1997).

10. There is presently only one judge appointed to the Family Department of the District Court in Douglas County. She will serve as the Family Department judge as long as she pleases. Telephone Interviews with Kathy Kirk, Kansas Judicial Center (May 7, 1996; Apr. 3, 1997).

11. There are nine judges assigned to the Jefferson County Family Court Pilot Project. Four of these positions are permanent assignments to the Family Court Pilot Project. The remaining five judges can rotate out of the Family Court Pilot Project; only one judge has made such a choice since the inception of the project in 1991. Telephone Interview with Carla Prather, General Counsel for Jefferson County Family Court (Apr. 24, 1997).


13. Only one judge for each pilot project site sits primarily in the Family Court Pilot Project; other judges usually sit from one to several days at a time. Telephone Interviews with Judge Joyce A. Wheeler, Director of Family Court Pilot Project (Aug. 18, 1995; Apr. 3, 1997).

14. The judge term in the Family Division presently is undetermined; however, within Baltimore City, the current practice is a six month rotation in each of the existing divisions of the Circuit Court. Telephone Interview with Judith Moran, Baltimore City Family Division Case Coordinator (May 1, 1997).

15. Judges serve a life term upon appointment. Telephone Interview with William F. Ryan, Jr., Assistant Court Administrator, Probate and Family Court of the State of Massachusetts (Apr. 7, 1997).


17. Judges serve a four year term on the Family Court. MISS. CODE ANN. § 43-23-39 (1993) provides that Family Court judges are elected in the same manner as Chancery Court judges, who are elected for four year terms. MISS. CODE ANN. § 9-5-1 (1996).


19. NEV. CONST. art. 6, § 5 provides that District Court judges are appointed for six year terms. NEV. REV. STAT. §§ 3.012 - 3.018 (Supp. 1995) provide that in judicial districts with Family Courts, District Court judges are designated as judges of the Family Court.

20. The term is unspecified. Telephone Interview with Craig Briggs, Administrator of Family Division Project (June 2, 1997).

21. Judges are assigned to the Family Division on a rotational basis. Once assigned, they typically serve for two to three years. Telephone Interview with Marie Pirog, Staff Attorney for the Family Law Division (May 19, 1997).

22. Judges are elected to the District Court for six year terms. Any judge on the District Court can request assignment to the Family Court. There is no minimum term. Telephone Interview with Belinda Demaree, Office of Judge Anne Kass, Presiding Family Court Judge, 2nd Judicial District (May 27, 1997).


25. OKLA. CONST. art. 7-B, § 5 provides that District Judges may appoint Special Judges to serve with no set term to hear probate, divorce, domestic relations, custody or support, guardianship, conservatorship, mental health, juvenile, adoption and determination of death cases. OKLA. STAT. ANN. tit. 20, § 123 (West 1991).

26. Circuit Court judges are elected for six year terms. OR. CONST. art. VII(A) § 1.

27. Judges in the Court of Common Pleas serve ten years, then are subject to a nonpartisan retention election. Judges decide how much time they wish to spend hearing cases in the Family Court Divisions. Telephone Interview with Don Harris, Director of Policy, Research and Statistics for the Administrative Office of Pennsylvania Courts (May 28, 1997).


30. A Family District Court judge’s qualifications and term of office are the same as those for a District Court judge. TEX. GOV’T. CODE ANN. § 24.602 (West 1988) TEX. CONST. art. 5, § 7 provides that District Court judges serve for four years.

31. Judges are selected from the Superior and District Courts for a one year term on the Family Court; however, in smaller counties, the Family Court judges also serve as Superior and District Court judges. VT. STAT. ANN. tit. 4, § 21a (Supp. 1996), Vt. Admin. Order No. 13 (Supp. 1997).

32. Judges serve a four year term. Telephone Interview with Lelia Hooper, Director, Family Court Project (May 29, 1997).


34. Judges are assigned to various trial divisions: civil, felony, misdemeanor-traffic, family, children’s, and probate and mental health. During a judge’s four year term, she can rotate throughout these divisions. Telephone Interview with Cindy Hapka, Office of Wisconsin District Court Administrator (Mar. 20, 1997).
## APPENDIX D

Case Assignment Methods Within Family Courts/Divisions/Departments
(Including Planned or Pilot Courts)

<table>
<thead>
<tr>
<th>STATE</th>
<th>Traditional Calendar Assignment(^1)</th>
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<th>One Judge/One Case(^3)</th>
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1. Traditional calendar assignment, in this Appendix, is defined as the standard procedure utilized by the clerk of the court to assign all civil matters to the respective judges on a daily, weekly, monthly, or other regularly-scheduled basis.

2. One judge/one family case assignment, in this Appendix, is defined as one judge assigned to a family for all proceedings before the court involving that family.

3. One judge/one case assignment, in this Appendix, is defined as one judge assigned to a case for the life of that case, including any motions and modifications related to the case.

4. Case assignments vary depending on the jurisdiction involved. Generally, it is one judge/one case. Telephone Interview with Peg Walker, Director of Research and Planning at the Alabama Administrative Office of Courts (May 20, 1997).

5. Telephone Interview with Julie Lara, Legal Clerk, Santa Clara County Clerk's Office (June 4, 1997).
6. Colorado Springs County follows the one judge/one family method of case assignment, if possible. In Denver County, however, any judge assigned to the Family Law Division will hear a case. Denver maintains a separate Juvenile Court. If a family has a case involving both family law and juvenile issues, a judge from the Juvenile Court hears the juvenile issues and a judge from the Family Law Division hears the other aspects. Telephone Interview with Cheri Kester, Office of the State Court Administrator (Apr. 10, 1997).

7. Telephone Interview with Michael Arrington, Director of Special Court Services (June 26, 1997).

8. Telephone Interview with Edward Ricks, Director of Family Division (June 27, 1997).


11. Telephone Interview with Richelle Kawasaki, Law Clerk with the office of Senior Judge Michael A. Town, Family Court of the First Circuit (Apr. 3, 1997).

12. At present, one judge hears all family court cases. Telephone Interview with Joy L. Lee, Court Administrator, Sixth Municipal District, Circuit Court of Cook County (Aug. 1, 1997).

13. There is only one judge of the Family Department in Douglas County; therefore, that judge hears all the cases. Telephone Interviews with Kathy Kirk, Kansas Judicial Center (May 7, 1996; Apr. 3, 1997).


16. Telephone Interview with Diane Harvey, Clerk of Administrative Court and Clerk of Family Court Pilot Project (May 28, 1997).

17. Telephone Interview with Judith Moran, Baltimore City Family Division Case Coordinator (May 1, 1997).

18. Telephone Interview with William F. Ryan, Jr., Assistant Court Administrator, Probate and Family Court of the State of Massachusetts (May 7, 1997).


20. There is only one Family Court judge in Harrison County; therefore, that judge hears all the Family Court cases. MISS. CODE ANN. § 43-23-39 (1993) and Miss. Code Ann. § 9-5-1 (1996).

21. Case assignment methods vary by circuit. Generally, the assignments occur by a traditional calendar assignment system. Telephone Interview with Gary Waint, Director of Juvenile and Family Court Programs (May 20, 1997).

22. The clerk’s office uses a traditional calendar assignment to assign the cases to the Family Court judges; however, the judges transfer the cases among themselves in order to achieve the goal of one judge/one family. Telephone Interview with Kathy Harrington, Assistant Law Librarian, Office of Washoe County Family Court Judge Scott Jordan (Apr. 10, 1997).

23. Telephone Interview with Craig Briggs, Administrator of Family Division Project (June 2, 1997).

24. In the smallest counties, one judge hears all cases; thus, the one judge/one family model applies. In slightly larger counties, one judge is specifically assigned to the Family Division, and that judge hears all family law cases, again corresponding to the one judge/one family model. In the larger counties, the systems vary. In some counties, individual judges specialize in one aspect of family law and only hear cases on that particular issue, suggesting a one judge/one case approach. In other counties, the cases are assigned on a rotational basis corresponding to a traditional calendar assignment. Telephone Interview with Marie Pirog, Staff Attorney for the Family Law Division (May 19, 1997).
25. Telephone Interview with Belinda Demaree, Office of Judge Anne Kass, Presiding Family Court Judge, 2nd Judicial District (May 27, 1997).

26. Telephone Interview with Andrea Hoyt, Court Analyst for the Office of Court Administration (May 7, 1997).

27. Telephone Interview with Doug Stephens, Project Manager of Family Court Feasibility Study (May 27, 1997).

28. Telephone Interviews with Dave Hill, Court Administrator for Tulsa County Family Court (May 27, 1997); Robert Martin, Trial Court Administrator for Oklahoma County District Court (May 27, 1997).

29. Prior to trial cases are assigned using traditional calendar assignment method. If a case goes to trial, the same judge who conducts the trial hears all subsequent matters related to that case. Telephone Interviews with Susanne Kolar, Lead Worker for Family Law Domestic Relations Department (May 21, 1997; June 26, 1997).

30. Telephone Interview with Don Harris, Director of Policy, Research and Statistics for the Administrative Office of Pennsylvania Courts (May 28, 1997).

31. Telephone Interview with Anthony Panichas, Deputy Administrator for the Rhode Island Family Court (May 19, 1997).

32. Telephone Interview with Mary Schroeder, Deputy Director of Court Administration (May 19, 1997).

33. Assignment of cases varies by individual counties between either one judge/one family and traditional calendar assignment. Telephone Interview with Jim Hutchinson, General Counsel, Office of the Court Administrator (May 28, 1997).

34. Generally one judge does hear one case. Since judges only serve on the Family Court for one year, however, sometimes the same judge cannot hear a case from start to finish, as some cases do not conclude during this time period. Telephone Interview with Lee Suskin, State Court Administrator (May 23, 1997).

35. Telephone Interview with Lelia Hooper, Director, Family Court Project (May 29, 1997).

36. In the more rural areas, however, there is only one judge for all Superior Court cases; therefore, the case assignment is one judge/one family in rural areas. WASH. REV. CODE ANN. §§ 2.08.060-2.08.064 (West 1988 & Supp. 1997).

37. Telephone Interview with Cindy Hapka, Office of Wisconsin District Court Administrator (May 27, 1997).