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UB Viewpoint – Creation of a Caring Justice System

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UB Viewpoint - Creation of a caring justice system

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The creation of unified family courts, or courts that coordinate the work of independent agencies and tribunals, each with some limited role in resolving the controversies incident to a family's legal matters, represents a sensible approach to much-needed court reform in family law. Unified family courts consist of the following components:

- a specialized court structure that is either a separate court or a division of an existing court;
 - comprehensive subject-matter jurisdiction over the full range of family law cases, including juvenile delinquency and child welfare;
 - a case management system that includes early and hands-on contact with each family law case and a judicial assignment system that results in the family appearing before one judge for the completion of the case;
 - an array of court-supplied or court-connected social services to address litigants' non-legal problems that exacerbate their family law problems;
 - and a user-friendly court that is accessible to all family law litigants, including the large volume of pro se litigants.
- In addition, unified family courts need to embrace the notions of therapeutic jurisprudence and an ecological, holistic approach to the family's problems. A therapeutic approach to family law decision-making involves resolving family legal disputes with the aim of improving the lives of families and children and maximizing the positive outcomes of court intervention. The therapeutic potential of court intervention is enhanced by adopting an expanded concept of the family, or by acknowledging that neighborhoods, religious organizations, schools and other associations or institutions within which family members participate have the potential to influence the family's legal matters. Accounting systematically for these competing influences on families' and children's lives by means of an ecological approach to court reform in family law and to family law decision-making can help courts pursue strategies designed to establish and to strengthen connections among these influences and can enhance families' and children's functioning. In January 1998, the Maryland Court of Appeals adopted Rule 16-204, mandating the creation of Family Divisions within Maryland's five largest Circuit Courts. The explicit mission of Maryland's Family Divisions is to provide a fair and efficient forum to resolve family legal matters in a problem-solving manner, with the goal of improving the lives of families and children who appear before the court. To that end, the court shall make appropriate services available for families who need them. The court also shall provide an environment that supports judges, court staff and attorneys so that they can respond effectively to the many legal and non-legal issues of families in the justice system. The establishment of Family Divisions in Maryland, complemented by strong judicial leadership and support and by enhanced legislative funding, has benefited Maryland's families and children and has moved Maryland to the forefront as a national leader in court reform in family law. All those who have contributed to the development of this court and those who devote their professional lives to serve in it are to be acknowledged for their creation of a caring family justice system of which Maryland citizens can be proud.

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