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**Integrated**

**Approaches To**

**Manage Multi-Case  
Families**

**in the  
Justice  
System**

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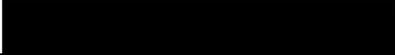
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**Integrated Approaches** to manage multi-case families in the justice system

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## **Integrated Approaches** to manage multi-case families in the justice system

### **Executive Summary**

#### **The Study**

This report describes research in three jurisdictions — Maricopa County, Arizona, Deschutes County, Oregon, and Jackson County, Oregon — that have developed systems to address the special needs of families with multiple court cases. Many issues bring families to court: divorce, child support, a domestic violence charge, a delinquent child, an abuse or neglect filing. For most families, involvement with the court is an isolated or rare event. However, some families return to court more frequently and some have multiple cases pending at one time. These families pose special challenges for courts. A judge seeing the family for one case may not realize that other cases are ongoing, or recently closed. This means the judge and service providers may not recognize the full range of the family's problems. In addition, no one judge may know what court orders the family has in place. If this occurs, families are at risk of receiving contradictory orders, duplicative orders, or repeating services that have proven ineffective.

One approach to more effectively manage and resolve cases for families who return to court frequently or have multiple cases pending at one time is that of the unified family court (UFC). There is no single model or standard for how these courts are organized or operate. However, there are a number of elements that most unified family courts have in common. Among these common elements are broad or comprehensive jurisdiction, the concept of one family-one judge or one family-one team, training for court staff in a wide range of issues that UFC families often bring before the court, an emphasis on non-adversarial dispute resolution, and a single court able to order whatever services are needed by adults and children in the household.

Recently, courts have developed another approach also aimed at better addressing the underlying problems that repeatedly bring individuals or families to court. These problem-solving specialty courts share much in common with unified family courts. However, unlike the UFC, which expands jurisdiction to a broader range of issues, specialty courts emphasize greater expertise with a specific type of case. Drug courts were the first such courts to be established. Ultimately, what specialty courts and unified family courts share is a commitment to therapeutic justice and problem solving. Whether practiced in settings with case specialization or a broadening of jurisdiction, therapeutic justice emphasizes resolving underlying issues that, if unaddressed, will bring families back to court if unaddressed.

The primary data used in this study were generated from a review of the court records of cases served by three unified family courts. The sample universe in Maricopa County, Arizona, was all 177 families served by the UFC from its inception in March 2001 through August 2004. A total of 155 UFC families were reviewed. In Deschutes County, Oregon, the sample universe consisted of 140 UFC families served between

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March 1999 and June 2004. A total of 106 families' cases were reviewed. In Jackson County, Oregon, the sample universe was 201 families accepted into the UFC between 2002 and 2005. A total of 145 families are included in this study. The 406 UFC families in this study had an average of 3.45 open cases that were reviewed. The total number of cases across all the sites is 1,399 with 8,680 hearings.

This research has a number of limitations. Like most UFCs, the programs in this study handle relatively small volumes of cases. The chances of being able to measure significant differences between UFC and non-UFC families is, of course, limited with small samples. Equally important, this study, like most UFC studies, lacks a strong comparison group for each UFC program. This significantly limits the ability of the study to accurately address the differences in case processing that are introduced by the adoption of a unified family court.

Determining the measures on which to compare UFC and non-UFC families is problematic. During qualitative interviews, judges, court administrators, and professionals who work in the UFC were asked to talk about what they see as appropriate measures of program success. The families seen by the UFC are among the most troubled families seen by courts. They have multiple cases pending, numerous problems such as drug addiction and criminal histories, and few personal or family resources. Given this profile, most professionals noted, as one judge put it, "Success is all relative."

In addition, most of the outcomes considered in this report, such as reunification in dependency cases or recidivism in delinquency cases, have been the subject of extensive research that has documented that the outcomes are influenced by a number of factors beyond court structure, such as the age of the child or the family's history in the legal system, that cannot be considered without larger sample sizes and strong comparison groups.

### **Key Findings**

Given these caveats, this study offers the following findings:

- As measured by their past and current involvement in the legal system, as well as by the issues documented in the UFC files, the families served by the UFC in each site are exceedingly troubled.

Common problems include histories of family violence (ranging from 22.1% to 52.8% across the sites), drug use (ranging from 49.7% to 61.3%), mental health problems (ranging from 4.8% to 32.9%), and criminal histories (ranging from 20.7% to 57.5%).

- Families reviewed by UFC judges for possible inclusion in the program were rarely rejected.

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Judges appear to rely on the judgment of those making referrals and the staff reviewing case filings in making decisions about which families to include.

- UFC families in Maricopa County had an average of 2.6 cases open while in the UFC. In Deschutes and Jackson counties, the comparable figures were 5.1 and 3.1 respectively.

Dependency and domestic relations cases were among the most common types of cases open in the UFC. In Deschutes and Jackson counties, which accepted criminal cases, both misdemeanors and felonies were also common.

- The analysis suggests that, at least in some unified family courts and for dependency and criminal cases, the UFC approach may lessen the need for trials.

If the UFC approach does encourage stipulations, it may help the court meet the tight time frames that legislation imposes on dependency cases, and might help families and case workers avoid the animosity that often accompanies a trial. Maricopa UFC families stipulated to the dependency petition at higher rates than non-UFC families (21.2% v. 0.0%). Deschutes UFC families also typically stipulated to the petition (76.5%). Among criminal cases, guilty pleas were entered for 87.7 percent and 84.9 percent of the Deschutes and Jackson UFC families, compared to 71.6 percent of the Jackson non-UFC families.

- While, UFC and non-UFC cases do not differ with respect to continuances or the length of time cases remain open at the court, there is some evidence that families with dependency and criminal UFC cases receive closer judicial monitoring, as evidenced by more hearings.

This finding suggests that the UFC may facilitate judicial oversight and involvement without any concurrent delays in case processing. Families with dependency cases in the Deschutes and Jackson UFCs averaged more hearings (10.5 and 4.8) per case than did Jackson non-UFC families (3.2 hearings). Similarly, criminal cases averaged 6.6 and 7.9 hearings among Deschutes and Jackson UFC families, compared to 4.1 hearings for Jackson non-UFC criminal cases.

- Dependency cases, criminal family violence, and other criminal cases are more likely to result in orders for drug treatment if the family is seen in the unified family court.

This finding may indicate greater awareness of drug issues in the family by UFC versus non-UFC judges, as well as potentially greater access by the UFC families to services that are typically in short supply. When the dependency file mentions drug abuse issues, drug treatment was ordered in almost a third of the Maricopa UFC families, but none of the non-UFC families. Jackson and Deschutes families with dependency cases that reference drug issues had drug treatment ordered 69.8 and 75.9 percent of the time, respectively, compared to 47.6 percent for the Jackson non-UFC families.

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The patterns are similar for families with criminal family violence and other criminal cases.

- There is no evidence that increased hearings for UFC families translate into better compliance with the treatment plan.

This finding must be viewed with caution since the court files in both UFC and non-UFC cases often lacked compliance information. While compliance is no better for the UFC families, it might have been expected to look worse relative to non-UFC families given that UFC families were significantly more likely to involve drug treatment. Drug treatment often includes relapses and is more demanding of parents than services such as parenting classes or regular visits with children.

- With respect to court-ordered services in dependency, delinquency, and domestic relations cases, there is evidence, in at least some site, that the UFC families received fewer conflicting orders than did their non-UFC counterparts.

Fortunately, relatively few UFC or non-UFC families showed evidence that judges had entered incompatible orders. However, in Jackson and Deschutes counties, UFC families routinely showed fewer contradictory orders across their cases than did the Jackson non-UFC families. Fewer of the UFC families compared to the non-UFC families showed evidence of contradictory orders in dependency, delinquency, and/or domestic relations cases.

- UFC families with dependency cases appear to receive more services than do non-UFC families with dependency cases.

Although the difference is statistically significant only in Maricopa County, the pattern holds at all three sites.

- A final dependency case finding is that the UFC model may result in a greater percentage of reunifications than are seen in non-UFC cases.

This finding is worth further exploration since it is not accompanied by an increase in the length of time the court case remains open or in the number the subsequent filings following case closure. In Maricopa County, 57.9 percent of the UFC families with a dependency case had at least one child reunified, compared to 11.1 percent of the non-UFC families. In Jackson County, all of the UFC families with a dependency case had a child returned, compared to 69.4 of the non-UFC cases.

- Some major criticisms regarding unified family courts were generally dismissed by the professionals who were interviewed as a part of this study.

None of the professionals, including the judges, felt there was merit to the claims that the UFC does not place sufficient emphasis on due process, is prone to coercing defendants into services, and results in judicial bias. Some attorneys, including

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defense attorneys, reported initial concerns about these factors, but felt that they were not borne out in practice.

- Maricopa was the only site where professionals expressed the view that allowing criminal cases into the UFC would essentially decriminalize criminal actions.

This site chose not to include criminal cases in the UFC largely due to the opposition of prosecuting attorneys and some defense attorneys. In Deschutes and Jackson counties, which include criminal matters in the UFC, the professionals expressed the opinion that greater knowledge of the family meant that UFC judges were sometimes more lenient and sometimes more strict in criminal cases.

- Two criticisms leveled against the UFC received more support from the professionals interviewed for this study.

There was acknowledgment that the UFC approach places demands on court resources and cannot function unless properly staffed at the court and supported by the necessary community services. The professionals also acknowledged special difficulties in operating a UFC model in a large jurisdiction. Once courts have moved away from courts of general jurisdiction to specialized benches, it becomes difficult to find judges who are comfortable handling the full range of cases seen by most UFCs. Similarly, large jurisdictions will face difficulties processing large volumes of cases without specialized dockets.

- Most of the professionals interviewed for this study cited numerous advantages to the unified family court approach.

The primary advantages are enhanced communication among the professionals, resulting in greater understanding of the case. Many professionals felt this helped to reduce the incidence of contradictory and duplicative orders. Many also reported that the process resulted in increased accountability in which both families and professionals are held responsible for fulfilling the service plan.

## **Discussion**

In 1992, Rubin and Flango posed the key question regarding unified family courts, “Should states without family courts create them?” They noted:

Certainly family courts promote coordination, promote better decisions, are desirable to the extent that they keep judges informed of cases involving family members, facilitate services by encouraging coordination with social service and probation agencies, and reduce the potential for conflicting orders or multiple court visits by family members (Rubin and Flango, 1992: 80).

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This study suggested that unified family courts may do a better job of delivering critical services such as drug treatment; promoting more frequent monitoring by the court without lengthening the amount of time a case remains open; encouraging stipulations in dependency and criminal cases; and, in dependency cases, providing more services and encouraging reunifications. Despite these possible benefits, the answer to the question “Should states without family courts create them?” cannot be a simple “yes.”

The decision to develop a unified family court requires substantial commitment on the part of the justice system. The UFC model is incompatible with frequent rotation of judges across assignments. Without being willing to commit a minimum of two or three years to the UFC, it is likely that the judge will be reassigned before the family’s cases are resolved and certainly before new cases are filed on the family. Faced with financial cuts, some courts have decided they do not have the judicial, prosecution, or defense resources needed to operate a unified family court. In addition, if a UFC is to be effective, sufficient community services are critical.

In some courts, developing a unified family court will also require overcoming barriers created by court size, location, or organization. These three factors are often interrelated. Large, urban courts tend to have judges who hear specialized dockets. Judicial expertise, and therefore comfort, in handling the full array of a family’s cases probably will be greatest in courts of general jurisdiction, where the judges routinely see every type of case. Defense attorneys, prosecutors, and even child protection workers are also more likely to be specialized in large settings.

Unified family courts and other problem-solving courts have helped to create the technology to better enable judges to be aware of all the current and relevant prior, cases in which a single family is involved. The influence of unified family courts and problem-solving courts has also led to a push to incorporate elements of therapeutic justice into the general courtroom. Trends such as improved technology to identify multi-case families and the integration of elements of problem-solving courts into the mainstream courtroom offer an opportunity to better serve all families with repeated involvement in the legal system. Nevertheless, in jurisdictions willing to commit the necessary resources, a unified family court appears to offer a number of benefits.

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### **Appendix A: Data Collection Form**

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### **Report Overview**

This report describes research in three jurisdictions — Maricopa County, Arizona; Deschutes County, Oregon; and Jackson County, Oregon — that have developed systems to address the special challenges posed by families with multiple court cases. The study begins in Chapter 1 with a discussion of the issues that confront courts when families are involved in multiple cases, either simultaneously or sequentially. This review of the literature and prior research includes a history of the Unified Family Court (UFC) movement, a discussion of how this history fits into the more recent emphasis on problem-solving courts, a review of issues raised by proponents and critics of the UFC, and a discussion of the incidence of multi-case families in the courts.

The second chapter describes the three courts that are the focus of this report. The communities in which they operate are also introduced. The histories of the courts and their adoption of the UFC model are presented. The manner in which the UFC model has been implemented in each of the courts is described, along with the changes that have occurred since the courts' inception.

The methodology portion of the report (Chapter 3) presents the research questions addressed in this study, the approaches used to collect data, the study's limitations, and the types of process and outcome variables addressed by the research. The chapter includes a review of sample generation at each site, the number of court records reviewed, the search for appropriate comparison groups, and the qualitative data gathered through interviews and focus groups.

The first empirical findings presented in Chapter 4 provide a descriptive analysis of the families served at the three courts. The analysis considers the types of cases, both present and past, that these families bring before the courts, the issues and problems the families are experiencing. The chapter also provides a profile of the non-UFC comparison cases from Maricopa County and Jackson County.

Chapter 4 concludes with a sample case narrative that provides the story of one Deschutes County UFC family. It is not offered as a true case study, but it is useful in providing a sense of the issues and families seen by a unified family court.

The analysis in Chapter 5 describes the UFC processing of the cases in this study. This includes documenting the referral sources, the nature of the case producing a UFC referral, and simultaneous or sequential hearings on the families' cases. These patterns are compared to those found in non-UFC cases.

Chapter 6 presents outcomes related to child abuse and neglect cases, also known as dependency cases. Chapter 7 describes the outcomes in delinquency cases. Chapter 8 provides the outcomes related to domestic relations cases such as divorce or custody, and filings for restraining or protection orders. Chapter 9 offers a similar analysis of outcomes in criminal cases, including criminal child abuse, domestic violence, and other misdemeanors and felonies.

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The reactions of the professionals who work in the UFC are presented in Chapter 10. Interviews with judges, hearing officers, attorneys for parents and children, court appointed special advocates (CASAs), prosecutors, probation officers, and UFC staff and administrators are used to highlight the support and opposition that were encountered as the UFC models were developed and implemented.

The interviews are also used to document the perceived changes, both positive and negative, that the UFC model introduces into roles, workloads, and obligations of each professional group. The qualitative interviews also provide insights into how the UFC model is perceived to affect families, and to allow the professionals to offer advice to other jurisdictions considering new ways of addressing multiple-case families.

The report concludes with a summary and discussion of the key findings.

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# **Chapter 1**

## **Evolution of the Unified Family Court**

### **Nature of a Unified Family Court**

Many different issues bring families to court. It could be a divorce, a child support order, a domestic violence charge, a delinquent child, an abuse or neglect filing. For most families, involvement with the court is an isolated or relatively rare event. However, some families return to court more frequently and some have multiple cases pending at one time. These families pose special challenges for courts. They raise concerns that a judge seeing the family for one case may not realize other cases are ongoing or recently closed, and may not know what court orders the family has in place. If this occurs, families are at risk of receiving contradictory orders, duplicative orders, or repeating services that have proven ineffective. As one legal scholar notes:

The fragmented court system that has overlapping jurisdiction over family cases in most jurisdictions evolved neither from a set of jurisprudential principles nor a theory of judicial administration. With the exception of the juvenile court that handles cases involving unruly and delinquent behavior, the family justice system emerged on an ad hoc basis (Ross, 1998: 6).

Multi-case families raise questions about how the justice system might more effectively address the underlying problems that bring the family back to court repeatedly. These underlying problems, such as mental illness, substance abuse, or generations of family violence, are typically less legal problems than they are social, mental health, and medical problems.

To further complicate matters, the courts that hear most types of family cases, such as domestic relations and juvenile courts, are often the least prestigious judicial assignments. They suffer from too little funding, staffing, training, and other resources to adequately address the large volume and complexity of cases before them.

One approach to more effectively manage and resolve cases for families who return to court frequently or have multiple cases pending at one time is that of the unified family court (UFC). Discussions of unified family courts typically include a caveat that there is no single model or standard for how these courts are organized or operate (Schwarz, 2004; Flango, 2000; Hurst, 1999). Indeed, the literature on unified family courts includes a number of descriptive studies that offer insights into the ways in which various jurisdictions have implemented the UFC concept to meet their own needs. However, despite variations, there are a number of elements that most unified family courts have in common.

One common element is a broad or comprehensive jurisdiction. A basic premise behind the UFC is the belief that families who have more than one court case active, and those who are returning to court a short while after the resolution of a case, will

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benefit by having their cases heard in the same court. Traditionally, a family with a child abuse and neglect case, a divorce or custody dispute, and a restraining order filing stemming from a domestic violence episode might be seen in three separate courts, with each judge likely to be unaware of the other cases. A unified family court gives a single court the authority to hear all, or many, different types of cases in which a family may be involved. While many UFCs do not hear criminal matters, most address:

- Delinquency;
- Abuse and neglect or child in need of supervision;
- Divorce;
- Paternity;
- Custody;
- Spousal support;
- Separation;
- Annulment;
- Child support;
- Guardianship;
- Adoption;
- Termination of parental rights;
- Emancipation of minors; and
- Mental health commitments for adults and juveniles.

A second common element of unified family courts is the concept of one family-one judge, or perhaps, one family-one team. Having all cases assigned to a single court will not in itself result in a better informed judiciary. A general jurisdiction court might hear all of the family's cases, but with each case before a separate judge. The UFC model calls for a single judge to be assigned to hear all of the family's cases. In some instances, this is not practical and the goal instead is to have a single team – often composed of a case manager, a treatment team, and perhaps judge and hearing officer – assigned to all of the family's cases.

A third common UFC element is training for court staff in a wide range of issues that UFC families often bring before the court. For example, the training should cover the dynamics of family violence, managing and treating families with substance abuse, child developmental issues, and the types of services available by court order and in the community at large.

A fourth common element found in most unified family courts is an emphasis on non-adversarial dispute resolution. The UFC often makes use of mediation, family conferences, or other settlement conferences. The point is to minimize the anger that generally accompanies a trial and to actively engage families in decision making.

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Finally, most unified family courts stress comprehensive services. A single court should be able to order whatever services are needed by adults and children in the household.

The chief variations in UFCs arise in the types of cases that are included, the manner in which these cases are identified, the definitions of “family” that the court adopts, and the specific procedures and processing that occur after a family is accepted into the UFC. These topics are addressed in Chapter 2, along with descriptions of how the study sites handle these issues.

### **History of Unified Family Courts**

Recognition of the need for special approaches to handle families who return to court often is not new. Jurist Roscoe Pound noted in 1959 that courts that choose to treat a family’s many legal cases “as a series of single separate controversies may often not do justice to the whole or to the several separate parts” (Pound, 1959, cited in Ross, 1998: 7). The earliest recognition that at least some of a family’s cases may be interdependent and best treated by a single court may be the Illinois Juvenile Court Act of 1899. This Act served as a model for the creation of juvenile courts throughout the nation. It recognized the need for a single court with the authority over both delinquent and dependent children. Although in its earliest incarnation the juvenile court did not have separate proceedings for delinquent and dependent children, instead viewing dependent children as potential delinquents (Ventrell, 1998), it evolved into what has been called an early prototype of the problem-solving court. Indeed, as early as 1912, the New Jersey legislature recognized the interrelated nature of many families’ legal disputes and granted the juvenile court the authority to hear all domestic relations disputes. By the 1950s, courts in Oregon, Iowa, Nebraska, Missouri, Mississippi, and Louisiana had all experimented with courts empowered to hear a variety of disputes that families formerly resolved in separate courts (Hurst, 1999).

In 1959, three organizations, National Probation and Parole (later the National Council on Crime and Delinquency), National Council of Juvenile and Family Court Judges (NCJFCJ), and the Children’s Bureau of the federal Department of Health and Human Services Administration on Children and Families, joined forces to produce the Standard Family Court Act. The purpose stated in Act was to afford 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” (National Probation and Parole Association, 1959). The Act served as model legislation by jurisdictions interested in the UFC concept. The Act, and its support by well-respected organizations, helped to encourage courts to move away from the traditional separation of a family’s cases and away from adversarial approaches to resolving conflicts when the disputants were family members. Within a few years, unified family courts were operating in Rhode Island, New York, Hawaii, Delaware, South Carolina, New Jersey, Vermont, and Connecticut.

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Interest in unified family courts continued to grow, sparked in part by continual increases in the number of domestic relations case filings and by the emergence of families with a growing range of serious problems, perhaps most notably drug and alcohol addictions. In 1990, NCJFCJ convened a national conference on unified family courts. In 1998, the American Bar Association (ABA) held a national, invitational summit on the UFC. The ABA Steering Committee on the Unmet Legal Needs of Children made the creation of unified family courts its first policy recommendation to the ABA House of Delegates.

In 2002, the Conference of State Court Administrators (COSCA) developed a white paper that advocated the use of alternative dispute resolution in family cases, faster case resolution, and the consolidation of all matters involving the same family before a single judge.

### **Emergence of Specialty Courts**

More recently, courts have developed a different approach also aimed at better addressing underlying problems that repeatedly bring individuals or families back to court. In this respect, specialty courts share much in common with unified family courts. However, unlike unified family courts, which expand jurisdiction to a broader range of issues, specialty courts generally emphasize greater expertise with a specific type of case. Drug courts were the first such courts to be established. They handle drug-related offenses and include close judicial supervision and specialized services. The first drug court opened in Dade County, Florida, in 1989. Research, including a National Institute of Justice (NIJ) study, concluded that defendants seen in drug courts have fewer rearrests than comparable defendants in non-drug courts (National Institute of Justice, 2006). By 2001, there were an estimated 500 drug courts in operation nationwide (Berman and Feinblatt, 2002); two years later the estimate stood at 1,042 drug courts in operation and over 400 planned (Casey and Rottman, 2003).

Other specialty courts have followed. Dade County opened the first domestic violence court in 1992. Broward County, Florida, opened the first mental health court in 1997. Midtown Court in New York and other courts around the nation, target misdemeanor “quality of life crimes” like prostitution and low-level drug possession. Within the drug court model, there are now dependency treatment courts that deal with abuse and neglect cases involving substance abuse. The first of these courts can be credited to a dependency court judge who attended an adult drug court graduation ceremony and realized two of the graduates had been through the termination of parental rights process. He left the graduation wondering if there was a way to address the addiction issues and work on helping parents to reunify with their children in foster care.

Ultimately, what specialty courts and unified family courts share is a commitment to therapeutic justice and problem solving. Whether practiced in settings with case specialization or a broadening of jurisdiction, therapeutic justice emphasizes resolving underlying issues that, if unaddressed, will bring families back to court. Berman and Feinblatt describe the approach this way:

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Problem-solving courts use their authority to forge new responses to chronic social, human and legal problems – including problems like family dysfunction, addiction, delinquency and domestic violence – that have proven resistant to conventional solutions. They seek to broaden the focus of legal proceedings, from simply adjudicating past facts and legal issues to changing the future behavior of litigants and ensuring the well-being of communities (Berman and Feinblatt 2001: 3).

Other legal scholars describe problem-solving courts as courts distinguished not only by a problem-solving orientation, but also by a commitment to:

- Team decision making;
- The integration of social services;
- Judicial supervision of the treatment process;
- Direct interaction between defendants and judges;
- Community outreach and system change; and
- A proactive role for judges inside and outside the courtroom (Farole, Puffett, Rempel, Byrne, 2005).

## **Arguments Favoring Unified Family Courts and Therapeutic Justice**

**Enhanced communication and a better informed judiciary.** Perhaps the most commonly cited benefit of a unified family court is greater communication among the various professionals involved with a family and, as a result, judges who have more information to guide their decision making. For example, the Conference of State Court Administrators notes:

As judges and court personnel rotate through family law assignments – often viewed as undesirable “apprenticeships” for new judges – families are bounced around the system, creating further frustration, delay and confusion. With the process structured this way, no one – from judges to court personnel to even the attorneys – develops a full picture of the family, its members, or the breadth of issues at play (COSCA, 2002: 4-5).

In the absence of a UFC, judges typically report that they rely on the parties and professionals in the case to tell them about additional cases in which family members are involved. For example, in a survey of Ohio judges completed as part of a family court feasibility study, judges reported that attorneys are the primary means by which judges hearing domestic relations cases learn of domestic violence cases. Judges saw this as problematic, given the increase in *pro se* cases in domestic relations proceedings. This same study found that judges often cited laws and court rules regarding confidentiality as factors limiting communication, yet also noted that respondents often went on to cite “turf barriers in the same breath” (Ohio Family Court Feasibility Study, 1997: 86).

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Research also demonstrates that most legal professionals are concerned about judges' potential lack of knowledge of other pending cases. Rubin and Flango (1992) conducted a survey with judges, referees, court administrators, chief probation officers, directors of juvenile services, mediators, and social service directors in 150 courts in jurisdictions with populations under 300,000. A total of 195 individuals responded. Of these, 71 percent said it is very important that judges and court administrators know of other pending cases and 62 percent said it is very important to know of previous cases.

The lack of communication across multiple types of cases is perhaps expected, given research showing little familiarity of professionals across systems. Whitcomb and Hardin (1996) found that about 20 percent of criminal prosecutors could not name the individuals or agency responsible for representing the child protection agency in juvenile court proceedings. A study by the Children and Family Research Center at the University of Illinois at Urbana-Champaign using samples of maltreated and non-maltreated children in Cook County found that delinquency rates were 47 percent higher among abused children. But the study also found:

Even when child welfare and juvenile justice professionals have the best of intentions, a good deal of confusion exists regarding the specific roles of each of the systems when a youth is dually involved...Probation officers and caseworkers, for example, frequently are uncertain of their roles and how to interact with the "other" system, which results in gaps in service (Morris, 2004: 8).

**Contradictory orders.** One result of better informed judges should be fewer contradictory orders being entered. This is, indeed, a key argument of UFC proponents. Although the nature and extent of contradictory orders has not been well studied, there are numerous anecdotal examples. These stories are chilling. For example, one judge reports:

...the author found a case in which the family department ordered that the father's visitation with his son be supervised owing to a felony domestic violence conviction with a suspended state prison sentence. The mother also represented in court that the father had beaten one of their sons so badly that he became nearly deaf in one ear. Unaware of the domestic violence conviction, the juvenile court commissioner released a second son, who had been a ward of the court for juvenile delinquency, to the custody of the father (Petre, 1999: 165).

Another study (Thoennes, 2001: 10) offers the following examples, the first from a judge and the second from a hearing officer:

Despite all the advances in technology, I know that contradictory orders get entered all the time. I'll give you a real world example. I was doing an Allocation of Parental Responsibilities for a family that had a D&N

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[dependency and neglect petition]. The caseworker was recommending mom to have the primary responsibility. The dad objected. It could have been a toss-up about who got custody. They looked about the same. I saw a reference to a criminal case in the file and asked the worker if she knew what it was about. She didn't. I got on [the computer] and found out that the mom's probation had been revoked in another county and she was going to jail!

I had a delinquency case assigned to me. Another magistrate had a D&N on the same family. I had no idea about the D&N. In the delinquency, I was releasing the child to a grandparent. It turns out that in the D&N the grandfather was charged with sexually abusing children. In the delinquency case, the child was charged with acting out sexually against another child. It really is a matter of the left hand not knowing what the right is doing. It took four hearings to get this straightened out instead of one. I would never want to go back to the old [pre-UFC] way of doing business.

**Duplicative orders.** The traditional processing of cases also produces the risk of services being duplicated. As with contradictory orders, no good figures exist on the nature or extent to which orders are duplicated. Although perhaps not as frightening as the risks posed by contradictory orders, duplicating services can also have negative consequences. On a case level, having two courts order a family member into two sets of psychological evaluations or two domestic violence programs can lessen the likelihood that either order will be followed. The duplicative orders can pose unrealistic demands on time and energy, and can help the family to justify dismissing the orders as untenable. On a system level, a duplication of services represents a misuse of resources. The Ohio Family Court Feasibility study concluded:

Duplicated efforts in two courts serving the same families may drain judicial and attorney time, dissipate docket time, deplete support staff, strain physical resources, and over-utilize or inappropriately utilize social services (Ohio Family Court Feasibility Study, 1997: 9).

**Greater judicial ownership of cases and outcomes.** The UFC approach involves judges in the routine monitoring of cases after disposition. Traditionally, judges in many courts do not see families again after final orders are entered unless problems arise. The UFC, like many specialty courts (e.g., drug courts) and like courts responsible for child abuse and neglect cases, typically sees families on a regular basis to ensure that the problems are being resolved.

**Greater family ownership of outcomes.** Many courts require families to voluntarily participate in the UFC model. Most also stress engaging families in resolving problems and setting up a service plan. Virtually all include close case monitoring and improved communication among the professionals. All of these factors arguably should lead to families being more motivated to comply with court orders, better

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understanding their orders, and less able to manipulate the system by repeatedly using the same excuses for noncompliance in different courts.

**Greater support for the legal system by professionals and the public.** A number of legal scholars have noted that the UFC model produces enhanced respect and support for the court among both professionals and the public at large. For example, the position paper developed by the Conference of State Court Administrators notes:

Being able to tell these amazing stories of personal triumph over adversity, stories of caring and dedicated judges, and stories of firm but compassionate programs, all in the context of public safety, go a long way toward developing public trust and confidence in the judiciary...The human and political success of therapeutic justice programs is too great to ignore. Being perceived as hiding behind judicial independence and administrative concerns make courts look less responsible to communities and their concerns than ever (COSCA, 1999: 3).

**Enhanced job satisfaction.** Proponents of therapeutic justice argue that traditional approaches that focus strictly on legal issues create a “revolving door” courthouse in which problems are never really resolved and the legal professionals become increasingly demoralized as families return again and again. Casey and Hewitt argue that without addressing underlying problems that bring families to court, “courts are crafting legally relevant but ineffective decisions” (Casey and Hewitt, 2001: 1). Berman and Feinblatt contend that:

...at the end of the day, the goal is not just to make it through the calendar, but to make a difference in the lives of victims, the lives of defendants and the lives of neighborhoods. In one way or another, all of the new judicial experiments are attempting to solve the kinds of cases where social, human and legal problems intersect (Berman and Feinblatt, 2002: 4).

Casey and Rottman (2003) reach similar conclusions. They pose the question “Why do judges endorse the concept of therapeutic justice?” and conclude:

The short answer is dissatisfaction — dissatisfaction with their jobs, with the tools at their disposal and with the ‘revolving door’ that returns the same offenders to their courtrooms again and again. Many take on problem solving court work over their own concerns and colleagues’ skepticism because they decide what they are doing doesn’t work (Casey and Rottman, 2003: 21).

Their research leads them to conclude that problem-solving courts are rated more highly than traditional courts on judicial respect, neutrality, and trustworthiness, and that judges, court staff, treatment and service providers, and lawyers report improved satisfaction with their work under a therapeutic justice model. Previous studies have

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offered numerous comments from professionals in traditional systems to underscore these points.

One of my colleagues on the bench said ‘You know, I feel like I work for McJustice: We sure aren’t good for you but we are fast’ (Judge quoted in Berman and Feinblatt, 2001: 7).

If you grab a judge, a defense attorney, and a prosecutor and sat them down together and bought them a round of drinks...they’ll all complain about the same thing: ‘I have all this education and what do I do? I work on an assembly line. I don’t affect case outcomes’ (Deputy district attorney quoted in Berman and Feinblatt, 2001: 7).

### **Arguments Against Unified Family Courts and Therapeutic Justice**

Some legal scholars express concerns about unified family courts, but stop short of rejecting the idea that the UFC has value. For example, Berman and Feinblatt (2002) report that “...we have found that many of the most thoughtful critics of problem-solving [courts] are the judges who have presided over these courts.” These judges voice concerns about *ex parte* communication, paternalism, and neutrality, as well as questioning whether problems such as substance abuse can really be resolved. These concerns have led the Conference of State Court Administrators to conclude that the model code of judicial conduct may need to be revised to allow for the new role of judges practicing therapeutic justice. COSCA notes, “At a recent national drug court conference, drug court judges opined that all of them present arguably violated ethical rules on almost a daily basis” (COSCA, 1999: 4).

Another pair of authors with similarly mixed feelings regarding unified family courts offer a variety of observations not meant to discourage UFC, but “...to temper the enthusiasm and faith of unified court proponents and to urge reformers, law teachers, judges, and practitioners, and policy makers to be cautious as they debate the issues regarding unified family courts” (Geraghty and Mlyniec 2002: 435). Among their concerns:

- The original juvenile court advanced ideas of therapeutic justice and comprehensive jurisdiction. Ultimately, it became overreaching and the United States Supreme Court intervened to introduce greater focus on due process in delinquency cases.
- The model of one judge-one family creates more informed judges, but may create judges who have problems being unbiased.
- Courts are generally facing financial shortages and must question whether the money spent on a UFC is the best use of money.
- There is the possibility that the UFC model could increase judicial burnout as judges deal with the same, extremely troubled families over and over.
- There are no studies to date comparing the effectiveness or quality of justice provided by UFC and the systems they seek to replace.

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Echoing some of the same points, Eaton and Kaufman note:

...some critics have trouble not so much with the theory [of problem-solving courts] but with the way these courts operate. Because while some of these courts may seem kind, even lenient, critics say, in practice they are unduly harsh, assuming that defendants are guilty from the outset and making it hard for them to defend themselves (Eaton and Kaufman, 2005).

While these jurists and legal scholars express mixed sentiments about therapeutic justice and the UFC model, a number of authors are more clearly critical. Their views are summarized below.

**Lack of due process and coercion.** Some legal scholars believe that problem-solving courts emphasize improved case outcomes at the expense of defendants' rights. They contend that the approach results in too much teamwork and too little client advocacy. Judge Morris B. Hoffman, a Denver District Judge, contends that judges should not be "intrusive, coercive and unqualified state psychiatrists and behavioral policeman." He argues:

We are judges, not social workers or psychiatrists. We administer criminal law because the criminal law is its own end. It is not, or at least ought not to be, a means to other social ends...I cannot imagine a more dangerous branch than an unrestrained judiciary full of amateur psychiatrists poised to 'do good' rather than to apply the law (Berman and Feinblatt, 2002: 13).

Critics also charge that judges in problem-solving courts have too much authority over defendants. They contend that defendants can linger in the system indefinitely with judges deciding the underlying problems have not been fully resolved and imposing an ever growing list of requirements for defendants to complete. Those who defend problem-solving courts and the UFC point out that paternalism is always a concern for judges and that there is plenty of unconventional behavior among traditional judges.

**Decriminalizing criminal conduct.** Not all UFCs have jurisdiction over criminal matters. Those that do come under criticism for potentially minimizing the seriousness of this behavior by treating it with services rather than punishment. In their interviews with judges, Farole, *et al.*, report one judge voicing the opinion that problem-solving courts should deal with criminal cases only "where the level of punishment required is diminished by the need to solve the underlying problem and so you'd rather solve the problem than punish the behavior" (Farole, *et al.*, 2005: 64).

On the other hand, those who support the UFC note that a jail sentence affects the entire family (Flango, *et al.*, 1999). Further, they note that even in systems where criminal cases are incorporated into the UFC, the UFC judge may be allowed to waive cases to criminal court. Finally, UFC proponents argue that timely case processing may be difficult if the UFC is waiting for the criminal case to be resolved before moving on to hear the other matters.

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**Resources.** One of the issues most frequently raised by critics of the UFC has to do with the limited resources of courts. It arguably takes a judge more time to see one defendant repeatedly in order to resolve the family's many problems and to monitor treatment than it would to hear each case individually. The North Carolina UFC study concluded:

According to the [North Carolina] court personnel participating in the pilot projects, the longer term success of family courts depends primarily on the continued availability of adequate funding. Put simply, family court is more expensive to operate than the present method of dealing with family cases. Whereas most district court judicial districts employ no staff to manage cases, the family court model depends on family court administrators and case managers to accomplish the labor-intensive case management and service coordination (Howell, 2000: 19).

**Impractical in large settings.** Many critics, and some proponents, question whether the UFC approach would function at all in large jurisdictions. UFC staff members who identify multi-case families and review the relevant cases typically must do this process largely manually. Automated information systems at most courts, even large courts, are often unable to make the necessary links across various types of court. The one family-one judge approach is also problematic. Flango, *et al.*, note:

One family/one judge appears relatively easy to schedule in a two-or-three-judge court of any type, but difficulties in implementation mount with each additional judge....Judicial officer continuity with all aspects of one case type in a multi-judge/judicial officer court is difficult enough. However, the accomplishment of this continuity in a court where this official is responsible for all cases at all stages that involve all members of a family poses immense challenges to the court's organization and caseflow (Flango, *et al.*, 1999: 24, 28).

### **The Incidence of Multi-Case Families**

Berman and Feinblatt note that:

Proponents of problem-solving courts have been adamant about not allowing critics to pick apart these new initiatives by comparing them to an idealized vision of justice that does not exist in real life (Berman and Feinblatt, 2001: 12).

However, there is a final issue that must be addressed in assessing the need for unified family courts: the frequency with which families return to court. The unified family court model assumes that the problem is common enough to warrant special interventions. As Rubin and Flango note:

Arguments for a family court are based on the assumption that families come back to court frequently, that multiple cases can be coordinated to advantage, and that this frequency and benefit justify the stress and

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upheaval likely to accompany reorganization... (Rubin and Flango, 1992: 9).

What does the empirical evidence say about the frequency with which families either return to court repeatedly or have multiple cases open at one time?

There have been a few attempts to gather impressionistic data from various professionals groups. In 1996, Whitcomb and Hardin spoke with 103 criminal prosecutors and 59 attorneys representing child protective services (CPS) agencies. The CPS attorneys estimated that 13 percent of their cases were also being prosecuted in criminal court. The prosecutors estimated that 60 percent of their child abuse prosecutions also have juvenile court cases. In another study in Indiana, Kuhn (2001) surveyed 100 randomly selected judicial officers in selected jurisdictions in Indiana considering UFC pilot programs. The judges were asked how often they saw families with multiple court cases. Ten percent of the judges said three-quarters of the families they see have multiple pending cases. Another 20 percent placed the estimated number of families at between 10 and 24 percent of their caseloads, and just over a quarter of the judges (27%) could not offer an estimate. When asked how often they hear about the other pending matters, 46 percent of the judges said this happened "sometimes." When judges do hear about additional pending cases, most (86%) said the information comes from the family. Finally, if they hear of additional cases, 24 percent of the judges said they have no special approach with these families.

There are fewer empirical studies of the incidence of multiple case families with data from court records. The Indiana Family Court Project (2003) did conduct such analysis. The researchers reviewed records for 565 families in nine counties and found a total of 1,750 cases. This translated into an average of 3.1 cases per family, with a range from 1.0 in one county to 5.9 in another. One of the pilot counties also looked at current and disposed cases for families in 41 child protection cases filed over a six-month period of time. The researchers documented juvenile, civil, and criminal cases for these 41 families. Between 1993 and 2000, four of the 41 families had only a single case active. Most had five or more closed cases.

The Supreme Court's Office of State Courts Administrator in Florida did a small empirical study in Marion County, Florida. The results showed that 63 percent of the family court cases included parties with previous, concurrent, or subsequent involvement in other family court cases (Legislative Interim Project, 2001).

Halemba, Hurst, and Montgomery conducted research in two Ohio courts: the Mercer County Probate and Juvenile Court, where they reviewed 100 delinquency and 21 dependency files; and Clermont County Court, where they reviewed 23 dependency files. In Mercer, 57 percent of the families appearing on dependency charges and 43 percent with delinquency cases had other prior or current matter filed in the general division or municipal court. In Clermont County, 78 percent of the files showed had

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additional current or prior matters in Domestic Relations or general division of the court (Halemba, *et al.*, 2000).

The largest study of the incidence of multiple cases families in the courts was conducted by Rubin and Flango in 1992. It included both surveys with disputants to measure the self-reported incidence of multiple cases, as well as a review of court records. The study was conducted in three jurisdictions: Hudson County, New Jersey; Fairfax County, Virginia; and Salt Lake County, Utah. In the survey portion of the study, court clerks distributed surveys to 367 disputants in court for a divorce, 84 in court for a child abuse or neglect proceeding, and 368 in court for a delinquency hearing. When asked about their involvement with the court in the past five years, one-third of the 819 respondents reported having another court case during this time period. Three-quarters of those reporting a previous case reported it was in the same jurisdiction as their current case. The number and nature of previous cases varied somewhat depending upon the type of case currently pending. Those in court for a delinquency case were the most likely to report another case in the last five years. Forty-two percent had a previous case and it was typically related to child custody, visitation, or child support. Among those in court on a dependency case, just over a third (35%) had a prior court case (typically a delinquency case.) Those at court for a divorce-related hearing were least likely to have had a prior court case in the past five years. However, a quarter had been in court during this time period, usually for a prior custody, support, or visitation case.

The Rubin and Flango study also included a review of approximately 150 divorce, 150 abuse/neglect, and 150 delinquency cases at each of the three sites. Of the over 1,000 files reviewed, 41 percent showed references to other court cases in the past five years. As was the case with disputant surveys, the incidence of prior cases varied by the type of case currently pending. Almost two-thirds (64%) of the abuse and neglect files showed prior cases in the last five years, typically divorce or custody. This was true for almost half (48%) of the delinquency cases, most with prior cases involving divorce or child in need of services. Just over 15 percent of the divorce files showed prior cases during the five-year time period, the most common of which was related to domestic violence. Overall, the study found an average of 1.68 prior cases during the past five years. The researchers concluded:

Regardless of the methodology used, a significant proportion of families, appearing in court for divorce, child abuse and neglect, or delinquency had been to court for another family-related matter during the previous five years (Rubin and Flango, 1992: 33).

The findings led the researchers to recommend:

...at the most a joinder of these jurisdictions into a court division or court, and at the least that information regarding these different case types be routinely transmitted to the judge or hearing officer conducting the present proceeding (Rubin and Flango, 1992: 36).

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### **Summary**

For most families, a court case is a relatively rare occurrence, but some families return to court often or have multiple legal actions pending at one time. Doing justice to the issues that are thought to underlie frequent returns to court – issues such as mental illness, substance abuse, or generations of family violence – is problematic for any court and is especially challenging when each issue is heard in isolation. No single judge, attorney, or other professional may have the full picture of the family's problems and legal cases.

The concept of therapeutic justice and the unified family court is that all of a family's legal cases, sometimes with specific exceptions such as criminal cases, will be assigned to a single judge and/or team of professionals. The UFC is intended to stress comprehensive services to resolve problems that precipitate frequent court actions, non-adversarial team approaches to cases, and close monitoring of families.

Proponents feel the UFC approach can help prevent duplicated or contradictory orders and can offer a better opportunity of resolving problems. Critics question whether there are enough families who return to court repeatedly to warrant the intervention. Critics also question whether the concept could work in larger or specialized courts, and would produce benefits that would justify the disproportionate resources such a court would require.

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**Chapter 2**  
**Profile of the Study Sites**

The jurisdictions in this study are located in Maricopa County, Arizona, and Jackson and Deschutes counties in Oregon. These sites were selected for a variety of reasons. First, they represent several different UFC approaches. For example, unlike many courts, the Oregon sites include criminal cases in the UFC. On the other hand, the Oregon counties are significantly smaller than Maricopa County. This provides two sites that are typical of the smaller size that is characteristic of most unified family courts (Flango, *et al.*, 1999) and one site that allows consideration of the special issues involved in applying the UFC concept in a relatively large jurisdiction. A second factor in site selection was the fact that all three courts had been described by previous researchers, although they had not been the subject of outcome-oriented research (Greacen and Associates, 2003; Flango, *et al.*, 1999). This published information provided sound data about the courts and their UFC approaches prior to investing further resources into the study. Finally, the administrators at all three courts welcomed the study and were willing to accommodate the inconveniences that inevitably accompany research.

Table 2-1 provides a brief demographic profile of these three sites. Each of the sites is predominantly white. However, Maricopa County, unlike Deschutes and Jackson, has significant Latino and foreign-born populations. At each site, between 12 and 18 percent of the population over age 25 lacks a high school diploma, while approximately a quarter have bachelor’s degrees or higher.

In 2000, the median family income for the United States as a whole stood at approximately \$42,000. Maricopa and Deschutes counties have median household incomes that are slightly higher than the U.S. median, while the median in Jackson County is somewhat lower than the U.S. figure. Poverty levels for families range from 6.3 percent in Deschutes to a high of 8.9 percent in Jackson County. The poverty rates for families with children age 18 or younger range from 9.3 percent in Deschutes to a high of nearly 15 percent in Jackson County. Jackson County also has the highest poverty rate for families with children ages 18 and younger that are headed by females.

**Table 2-1. Census Demographic and Economic Profiles of the Sites**

		<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
Population size	Population, 2000 data	3,072,149	115,367	181,269
Race/Ethnicity, 2000 data	Percent White	77.4%	95.9%	91.6%
	Percent Black	0.7%	0.3%	0.4%
	Percent of Hispanic or Latin origin	24.8%	4.7%	6.7%
	Percent foreign born, 2000 data	14.4%	2.8%	4.9%

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**Table 2-1. Census Demographic and Economic Profiles of the Sites**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
<b>Education</b>			
Percent high school graduates among those age 25 years or more, 2000 data	82.5%	88.4%	85.0%
Percent with bachelor's degree or higher among those age 25 years or more, 2000 data	25.9%	25.0%	22.3%
<b>Income and poverty levels</b>			
Median household income, 2003 data	\$46,111	\$44,111	\$36,461 ★
Percent of families below poverty, 2003 data	8.0%	6.3%	8.9%
Percent of households with children under age 18 living below poverty	12.3%	9.3%	14.7%
Percent of female headed households with children under age 18 living below poverty	26.0%	28.8%	36.8%
★ 2000 data.			

**Maricopa County, Arizona**

**UFC History**

The roots of the Maricopa County Integrated Family Court can be found in a committee created by Chief Justice Zlaket in 1997. The Committee to Study Family Issues in Superior Court was charged with investigating how family cases were handled throughout the country, how Arizona handled family cases, how a unified or integrated family court (IFC) might benefit Arizona families, and how such a court might be organized. In September 1999, the Committee concluded its work and recommended pilot projects in selected counties to test the use of an Integrated Family Court.

Presiding Maricopa County Judge Robert Meyers requested that four Maricopa County judges – two in the domestic relations court and two in the juvenile court – develop a pilot IFC project. These four judges were located in one courthouse in the southeast portion of the county (Mesa). They agreed to hear all matters affecting a family that would otherwise be heard in juvenile, family, and probate courts. They formed the IFC Design Task Force to work out the details of how the program would operate. This stakeholders group began meeting in June 1999. It included representatives of the Attorney General's Office, the Public Defender's Office, attorneys who represent parents and children, clerks of the court, social services administrators, and community service providers.

The Mission of the IFC was defined in the following manner:

- To better serve and protect the families and children of Maricopa County by: (1) Having one court hear the full range of family-related case, eliminating or reducing some of the fragmentation and inefficiencies that currently exist in the court system; (2) Having a much more knowledgeable and informed judiciary hearing the full range of family-related issues; and

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(3) Creating a judicial assignment that is more diverse and more attractive to Family Court judicial officers” (Superior Court of Arizona, 2002: 7).

The IFC was intended to remain part of the general jurisdiction trial court, but with a one family-one team approach, specially trained judges, and interdisciplinary efforts to resolve cases.

Although the judges and court administrator were convinced of the potential value of a unified approach, reaction among the other professionals was mixed. The Public Defender’s Office and County Attorney’s Office were concerned about the demands that would be placed on attorneys’ time. These groups also pointed out that appointing a single attorney to represent the family in multiple types of cases might create a single team for the family but would not provide substantive expertise. Service providers and case workers, as well as the prosecutors in the Attorney General’s Office, were more supportive.

The cases appropriate for reassignment to the IFC included those with multiple cases of the following types: divorce, legal separation, child custody, parenting time, child support, paternity, orders of protection, dependency, delinquency, severance of parental rights, guardianship of minors, and conservatorship. However, because Arizona already had a policy in place that would assign co-occurring dependency and delinquency cases to a single judge, families with only these types of cases were excluded from the IFC. Similarly, the original plan excluded families with multiple family court cases if there were no juvenile cases.

In 2002, legislation was signed into law creating an Integrated Family Court Workgroup and charging this group with the responsibility of preparing a statewide plan for an IFC system. By the end of the year, the workgroup completed its final report with the following points among its many recommendations:

- The IFC should be maintained as part of the general jurisdiction trial court, and should be a department or division within the Superior Court of each county;
- The IFC should have comprehensive authority over the full range of a family’s related legal problems, including domestic relations, juvenile, probate, and family violence matters;
- The IFC should utilize a one family-one team approach, with a one family-one judge approach in small jurisdictions;
- IFC judicial officers should receive special training;
- In jurisdictions with judicial rotation, the judicial officers of the IFC should be assigned for a period of three to five years, and judges should be allowed to request an extension to 10 years;
- An automated case management system should be developed containing the court records of each IFC family; and

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- The IFC should work to accommodate the needs of institutional litigants such as the County Attorneys, Attorney General's Office, and Public Defenders and Legal Defenders Offices.

The report recommended that all counties should develop an IFC plan and implement this plan no later than December 31, 2005. However, legislation authorizing the statewide creation of an IFC was ultimately withdrawn in favor of further pilots employing the model.

Despite the apparent interest in the UFC model throughout the state, in June 2005 the Maricopa County IFC was dramatically restructured and essentially abandoned. This change followed the departure of the presiding IFC judge, and concerns on the part of the new presiding judge that there were not enough multi-case families in the system to warrant a special court and that reducing case time and improving case flow was more important than the UFC approach. Following the restructuring, juvenile court judges were authorized to enter custody and parenting time orders, including in cases with a concurrent dissolution of marriage filing. Paternity orders established in juvenile court are to be incorporated with the custody order. Juveniles in both the dependency and delinquency systems continue to have their cases assigned to a single judge. However, with these, and a few additional exceptions, "the separate Integrated Family Court will be collapsed back into the Family Court, Probate Court, and Juvenile Court Departments to be administered by each department within its area of statutory jurisdiction with the modification set forth above" (Superior Court of the State of Arizona, Administrative Order No. 2005-104).

### **UFC Operations**

Between March 2001 and June 2005, 178 families were accepted into the Maricopa County IFC. During this time period, the procedures and policies changed slightly. Initially, the case coordinator reviewed all new filings in the juvenile court to determine if the family also had an active case in the domestic relations court, and all new domestic relations filings to identify those with an active juvenile court case. Initially, post-decree cases were not included, but were soon added. "Family" was broadly defined. The IFC definition of "family" included parents, legal guardians, children or wards, and, at the discretion of the court, others involved in the care of the children. Over time, referrals became the primary method of program entry. Referrals were made by the parties, the professionals working with a family, and other judges. As the program progressed, these referrals could be made through the Superior Court website.

Once flagged through the file review or referral to the IFC, the case coordinator prepared a summary of all of the family's cases and contacted the parties to determine if there were objections to the IFC referral. Parties were given five days to enter an objection. Typically, there was no objection and the presiding IFC judge received the case coordinator's summary of cases and made a final decision about whether to accept the family. Initially, this decision was based in part on the courthouse at which the cases were filed. When the program began, all of the IFC cases had to be filed in the Mesa Court. This changed over time to allow families with

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## **Integrated Approaches** to manage multi-case families in the justice system

one Mesa case and one or more cases in the Superior Court's other sites to have cases reassigned to the IFC.

Initially, for each IFC case a judge received, assignment of a general domestic relations or juvenile case for this judge was skipped. This was later amended so that when the judge was assigned a case there was a 20 to 25 percent reduction of other assigned cases. This was done in recognition that IFC cases tended to be more complex and protracted than the general cases. This meant that the IFC could not accept as many cases as the judges and staff might have wished unless the IFC judges were asked to carry excessively crowded dockets.

Once accepted into the IFC, the case coordinator notified all the parties and provided them with materials introducing the IFC. This packet of information also included notice of the assigned judge, and the date, time, location, and type of hearing next scheduled. The coordinator also updated the information in the juvenile court automated system to reflect the IFC entry and notified family court and clerks via email.

Cases that were accepted were the subject of an early planning conference, convened by the case manager. The judge could order all relevant parties involved in an IFC case to attend this conference. The case coordinator was also responsible for maintaining a database of all referred cases, with fields indicating whether the case was accepted, why it was not accepted, and the date of entry and exit to the IFC. In addition, IFC staff and the judges met approximately every two weeks. This proved to be a useful way of monitoring the overall program and the progress of cases.

### **Deschutes County, Oregon**

#### **UFC History**

In 1993, Oregon passed legislation allowing for the establishment of family courts. The legislation did not require that jurisdictions establish family courts. Rather, it encouraged pilot projects to explore methods of creating family courts. Small grants were awarded to two sites to allow them to experiment with family courts. One grantee was Multnomah County, the other was Deschutes County.

In Deschutes County, presiding Judge Stephen N. Tikin engaged the Deschutes County Commission on Children and Families in the planning process. A multi-disciplinary Task Force was convened to consider models operating in other states and discuss options that might work in their own jurisdiction. The Task Force reviewed national models and visited the Reno, Nevada, family court. The approach ultimately adopted by the court called for one family-one judge, as well as a single prosecutor to handle all of the family's cases. It defined the following cases as potentially appropriate for family court: dependency, delinquency, dissolution of marriage, filiation, mental competency, guardianship, misdemeanor and felony criminal matters, domestic violence, and protection orders. Historically, any judge could hear these cases, with the exception of juvenile court issues that were heard by a special bench. The traditionally diverse caseloads carried by the circuit court judges helped to alleviate concerns about handling such a wide array of cases.

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A one-day planning and cross-training was held prior to accepting the first case into the Family Court (FC). This allowed all of the agencies and legal departments that would be affected by the Family Court to hear about its procedures and policies and have their questions addressed. The Family Court Department for the Eleventh Judicial District, Deschutes, began operating in 1994. Since its inception, the program has served 246 families. The chief judge and court administrator described the initial goals for the Family Court this way:

...to review family issues in a comprehensive manner, consolidate hearings when appropriate, issue nonconflicting orders, impose sanctions to best fit family needs, and instill accountability (Tiktin and Mazorol, 1997: 342).

The legislation authorizing unified family courts also authorized family court judges to establish procedures to coordinate service delivery to the families served by the court. In some measure, coordinating services had always been a goal of the Family Court. At the recommendation of the Task Force, the position of family court advocate had been created when the pilot began operations. However, in early 1996, the goal of coordinating services became more formalized when the presiding judge issued an order that mandated coordinated service delivery to parties in the Family Court. As the presiding judge and court administrator described it:

The system proved complex from the outset. These hearings involved multiple parties, each represented by separate counsel. Numerous human service agencies were involved because many of the parties received local or state assistance. As cases progressed through the court system, it became evident that the services were not coordinated among providers...the judges envisioned several goals for coordination: (1) identify and treat at-risk family members who are not yet parties in the proceedings, (2) provide services to at-risk parties that are unaware of this opportunity, and (3) encourage and implement strategies for prevention and early intervention services (Tiktin and Mazorol, 1997: 343).

The decision to make a concerted effort to coordinate service plans moved the court to a commitment to one family, one judge, one prosecutor, one treatment plan. The Task Force was involved in planning for the service coordination component of the program. The Task Force deals with issues such as the appropriateness of having the judicial branch oversee the coordinated delivery of services falling under the executive branch of government, ensuring that the coordination would not lead to service duplication, and ensuring that court-mandated coordination of services to Family Court families would not result in the elimination of services to families not referred by the court.

### **UFC Operations**

The Family Court Specialist reviews all new civil and criminal filings to identify families with other cases open at the court. This cross-check is done on a daily basis. As the community of professionals serving families became more comfortable with the UFC concept, they also became a source of referrals. These professionals include court

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staff handling domestic relations, domestic violence, and criminal cases. Attorneys also make referrals, as do probation and parole officers, Court Appointed Special Advocates (CASAs), schools, and early childhood education centers, such as Head Start.

Once a potential family is identified, the Family Court Specialist locates and reviews the relevant files. This results in a summary sheet that lists the parties' names, charges, relationships of victims and perpetrators, attorneys involved, court dates, sentences and dates of dismissals, and other relevant information. This form, accompanied by a brief memo explaining why the family might benefit from the UFC, is sent to whichever of the UFC judges has had the most involvement with the family. If no UFC judge has been involved, the assignment will be made on the basis of current caseload. There are six judges who may be assigned UFC cases, although four of the six handle the majority of the cases. These judges carry a general caseload and up to 25 related family cases.

Like all family courts, the Deschutes Family Court had to make decisions about how they would define a family and a "relevant" case. Beyond the requirement that the family have at least two open cases, there are few hard and fast rules. Consideration is given to the nature of the cases, and whether knowledge of all the cases would help the judge in helping the family. Some types of cases clearly provide the judge with very little insight into the family. For example, a divorce case would be unlikely to benefit from UFC if the other open case was in the small claims or civil court. Including such cases would overwhelm the UFC without providing added benefit to the family. Similarly, decisions are made on a case-by-case basis regarding who is a family member. By way of example, a dependency case and a domestic violence case involving the dependent child's aunt may be candidates for the UFC if the aunt has been involved in caring for the child. On the other hand, they may not be UFC candidates if the aunt is not involved with the child.

UFC staff and judges agree that judges typically accept into the UFC all of the cases sent to them for their consideration. After a case is admitted, UFC staff makes sure that all of the family's cases in the automated system are cross-referenced to the case that prompted the UFC referral. The UFC staff also work to have all of the cases transferred to the assigned judge and all the parties noticed of this change. If a hearing is scheduled in the next few days, the hearing will go forward and the parties will receive notice at this hearing that the family is being reassigned to the UFC.

All of the family's case files will be collected and combined into one UFC file. The families are also entered into a UFC database. Each day a listing of all new court filings will be compared to this master database and if a UFC family is found to have another filing, the new case will be assigned to their UFC judge.

Families are typically offered the opportunity to participate in a family meeting after being accepted into the UFC. These meetings are used to develop a coordinated treatment plan and the factors considered in determining the need for the family meeting include the likelihood that the family will receive services from multiple agencies, the family's prior service history, the availability of family members to

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participate in services, and the complexity of the family's needs and legal cases. Families who are interested in coordinated plans must sign an agreement to allow the agencies to share confidential information. Reportedly, families rarely object to this condition. If accepted for coordinated service delivery, the Multi-Disciplinary Treatment team and family will meet to develop a plan, dates for completion of services, and evaluation criteria. This session is facilitated by the Family Advocate and may be attended by interested family members, caseworkers, probation officers, and attorneys. The judge typically accepts the plan, in whole or in part. During the initial meeting, the parties generally agree to come back together to review progress and compliance. At each subsequent meeting, the parties are given the option of setting additional return dates.

Families are assigned to the FC judge for life, and new filings will always be assigned to this judge as long as he or she is on the bench. Similarly, even after cases close at the UFC, the files will remain bundled together. They will not be disaggregated and returned to the respective courts. There are two exceptions to the one family-one judge rule. Termination of parental rights [TPR] petitions are heard by a different judge. This was done to ensure that the parents felt they were given every opportunity to keep their children and, as one judge puts it "to ensure a clean record on the TPR. It's a different breed of cat; it's the death penalty of family cases." The other exception is the decision to leave misdemeanor cases with the misdemeanor judges until after adjudication. At sentencing, the misdemeanor case will be forwarded to the UFC.

### **Jackson County, Oregon**

#### **UFC History**

The UFC in Jackson County is known as the Community Family Court (CFC). In its earliest incarnation in 1998, the CFC employed a one family-one judge model and allowed all cases involving the same family to be reassigned to the same judge. The approach was similar to that in place in Deschutes County. All of the judges participated and carried a caseload of CFC families.

Judges on the bench at the time say the original model did not call for increased monitoring of families, and as a result there was less impact than originally hoped for. Further exploration, through grant funding, allowed the CFC judges and administrators to develop ways to blend both the UFC and drug court models. The system adopted in 2001 changed the UFC model to require that cases eligible for the program involve drug or alcohol abuse. The number of participating judges was reduced from seven to three, which allowed for easier communication within the CFC. In addition, two child protection caseworkers were selected to handle all CFC cases with dependency issues. This meant the added time demands of CFC cases would be limited to a few workers who were supportive of the process and willing to participate.

Initially, new dependency case filings were screened for the program. Families with drug and/or alcohol issues, often but not always including criminal drug charges, were considered for the program. The program was later expanded to include the

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screening of adult criminal cases and delinquency cases, in addition to dependency cases. As the program became more established, referrals from judges, court workers, Court Appointed Special Advocates (CASAs), court mediators, representatives from the Department of Corrections and the Youth Authority, school representatives, caseworkers, public defenders, the district attorney, and other professionals became a major source of cases.

### **UFC Operations**

Once possible cases are identified, the families are invited to attend an orientation session to introduce them to the Community Family Court (CFC). The orientations are held every other week and include presentations from the CFC coordinator and a public defender who participates to ensure that parties with legal questions are able to have these questions addressed. The parties are told that participation in the CFC will give them access to treatment resources that might not otherwise be available. However, in return they will be giving up some legal rights. One relinquished legal right, unique to this site, is the right to legal counsel throughout the duration of their case. Another important right that is given up deals with *ex parte* communication. Unlike judges in other courts, CFC judges have the right to discuss cases with court staff, treatment providers, and others involved in the case.

The CFC coordinators report that most, perhaps as high as 90 percent, of those who attend the orientation move on to the application stage. During the application, the coordinator collects case information and then the parties are required to attend one or more CFC hearings to get a sense of what the therapeutic court process is like. The final decision to accept a case into the program is made by the CFC team. The team includes representatives of drug and alcohol counseling, the district attorney, the public defender, mental health specialists, and, depending upon the types of cases pending, caseworkers, domestic violence advocates, and child protection case workers. The team rarely turns down applicants. However, the family may not be accepted if the application is made after the dependency case has been in the system for some time and federal and state time frames for permanency or termination of parental rights are quickly approaching, or in cases with prior terminations of parental rights.

The final step in the process is a meeting with a CFC judge who again will discuss the legal rights that are relinquished at program entry. Following program entry, the action taken will depend in part on the stages of the cases. If the case is flagged as a potential CFC case early in the process, the CFC may have full responsibility for the development and monitoring of a treatment plan. Older cases with orders in place will have these orders monitored by the CFC and additional services put into place.

Initially, the CFC judge will meet each week with the team overseeing the case and will also meet weekly with the family. Over time, the monitoring level will be adjusted based on the progress made by the family. At entry, families agree to a minimum of one year in the CFC. However, cases do not close until the team, including the judge, makes the decision. As a result, cases may be open for much longer than one year. Cases exit either through graduation, termination, or completion. Termination occurs

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when the team decides the family is not cooperating, not progressing, and unlikely to benefit from further attention. Estimates place terminations at approximately 20 percent of all cases. Completion, perhaps another 20 percent of all cases, occurs when the family has complied with all requirements and the team feels the case does not need additional services, although there may be questions about the family's ultimate ability to stay out of the system. Graduation from the program is the most positive outcome possible, and it indicates a belief by the team that the family has resolved the problems that brought it into the legal system.

### **Summary**

The three jurisdictions in this study are located in Maricopa County, Arizona, and Jackson and Deschutes Counties in Oregon. Each of the three sites takes a slightly different approach towards therapeutic justice and the management of multi-case families. Maricopa is the largest of the sites, as well as the most racially and ethnically diverse. The Maricopa Integrated Family Court operated between 2001 and 2005. During its operation, the court accepted the full range of domestic relations, juvenile, civil protection orders, and probate cases into the IFC. Criminal cases were not included in the IFC pilots. In 2005, the court stopped the IFC pilot, but continued to assign families with both dependency and delinquency cases to the same judge.

The Deschutes County UFC accepts dependency, delinquency, dissolution of marriage, filiation, mental competency, guardianship, misdemeanor and felony criminal matters, domestic violence, and protection orders. The program includes family meetings to bring together the professionals and family members in a session to work out a coordinated service plan. Families that assigned to the UFC remain there permanently and will be sent before the same judge if there are subsequent filings.

The Jackson County Community Family Court has blended elements of a drug court and a unified family court. Originally, new dependency filings were screened to identify families with additional open cases. The program has expanded to screen dependency and delinquency filings and adult criminal court filings. Families who are offered the chance to participate must have substance abuse issues. Their voluntary participation includes exchanging some legal rights for the opportunity to access more services, including drug treatment.

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## **Integrated Approaches** to manage multi-case families in the justice system

### **Chapter 3**

### **Methods**

#### **Research Questions**

A number of research questions related to unified family courts emerge from the prior research and literature reviewed in Chapter 1. The data analysis in this study is guided by these research questions. This approach, rather than true hypothesis testing, is more appropriate given the exploratory nature of the study. Outlined below are the major research questions related to the outcome analysis presented in Chapters 6 through 9.

#### Research Questions Related to Dependency Case Processing and Outcomes

- Does the UFC approach, with its emphasis on communication, collaboration, and alternative dispute resolution, result in more stipulations being entered at the adjudication and disposition stage relative to the non-UFC approach?
- Does more intensive judicial involvement in UFC versus traditional courts result in a greater number of hearings per case?
- Does more intensive judicial involvement in UFC versus traditional courts result in cases being processed more slowly or more continuances?
- Do families served through a UFC versus traditional court receive more services or different types of services?
- Do UFC versus traditional court cases vary in their compliance with the service plan that is ordered?
- Does the UFC approach, versus the traditional approach, result in fewer contradictory orders being entered?
- Are there differences by court type in the number of placements, length of placement, or types of placements utilized?
- Do cases processed through the UFC versus a traditional court experience different permanency outcomes? In other words, do UFC and traditional cases differ in their rates of reunification, termination of parental rights, or other permanent living arrangements?
- Do UFC cases remain open longer than dependency cases handled through traditional court proceedings?
- Do UFC cases and traditional cases differ with respect to the rate of subsequent filings?

#### Research Questions Related to Delinquency Case Processing and Outcomes

- Does the UFC approach, with its emphasis on communication, collaboration, and treatment, result in more pleas being entered and fewer trials relative to the non-UFC approach?

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## **Integrated Approaches** to manage multi-case families in the justice system

- Does more intensive judicial involvement in UFC versus traditional courts result in a greater number of hearings per case?
- Does more intensive judicial involvement in UFC versus traditional courts result in cases being processed more slowly or more continuances?
- Do adjudication outcomes differ for delinquency cases processed through UFC and traditional methods?
- Are there differences in the number or types of court orders entered for UFC and non-UFC cases?
- Do UFC versus traditional court cases vary in their compliance with the service plan that is ordered?
- Does the UFC approach, versus the traditional approach, result in fewer contradictory orders being entered?
- Do UFC cases remain open longer than delinquency cases handled through traditional court proceedings?
- Do UFC cases and traditional cases differ with respect to the rate of subsequent filings?

### Research Questions Related to Domestic Relations/Probate Case Processing and Outcomes

- Does more intensive judicial involvement in UFC versus traditional courts result in a greater number of hearings per case?
- Does more intensive judicial involvement in UFC versus traditional courts result in cases being processed more slowly or more continuances?
- Do unified family courts make greater use of mediation relative to non-UFC courts?
- Do families served through a UFC versus traditional court receive more orders for services, such as psychological evaluations or custody studies?
- Do UFC versus traditional court cases receive more restrictive orders, such as orders specifying supervised visits?
- Does the UFC approach, versus the traditional approach, result in fewer contradictory orders being entered?

### Research Questions Related to Criminal Case Processing and Outcomes

- Does more intensive judicial involvement in UFC versus traditional courts result in a greater number of hearings per case?
- Does more intensive judicial involvement in UFC versus traditional courts result in cases being processed more slowly or more continuances?

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## **Integrated Approaches** to manage multi-case families in the justice system

- Does the UFC approach, with its emphasis on communication, collaboration, and treatment, result in more pleas being entered and fewer trials relative to the non-UFC approach?
- Do adjudication outcomes differ for criminal cases processed through UFC and traditional methods?
- Are there differences in the number or types of court orders entered for UFC and non-UFC cases?

### **Court Record Review**

The primary data used in this study were generated from a review of the court records of families served by the Unified Family Court. During the study's planning phase, an instrument was drafted for use in extracting this information. Each site provided copies of the forms that are routinely included in court files to help guide the instrument development. A draft form was distributed to UFC administrators and staff at each site for their review and comments. The form underwent four rounds of major revisions based on their feedback. The final version collects information about the family, including basic demographic information and a summary of the family's current and prior involvement in the justice system. The form also allows data collectors to provide detailed information on filings, hearings, court orders, and case outcomes related to the following:

- Up to three dependency (abuse and neglect) cases;
- Up to six delinquency cases;
- One domestic relations or probate case (including paternity, parenting time, child support dissolution of marriage, and guardianship);
- Up to five filings for restraining or civil protection orders;
- Up to five criminal filings related to domestic violence;
- One criminal child abuse filing; and
- Up to nine other criminal filings.

A copy of the data collection instrument is located in Appendix A.

The project goal was to collect data on approximately 100 UFC cases at each of the three sites. In order to increase comparability across the sites, cases were drawn from approximately the same time period at each court. The time period selected was after the state had adopted legislation that was in compliance with the Adoption and Safe Families Act (ASFA). This was done to ensure that any differences observed among the sites in the processing of dependency cases were not attributable to different legislative mandates among the states. The time period was also selected to allow a minimum of one year to elapse between the entry into the UFC and data collection. This provided the greatest opportunity to collect outcome data for all of the UFC cases. At all three sites, a few cases in the sample universe had to be eliminated because the files were sealed, otherwise unavailable for review, or contained incomplete data.

## **Integrated Approaches** to manage multi-case families in the justice system

The sample universe in Maricopa County, Arizona, was all 177 families served by the UFC at the Mesa Courthouse from the inception of the UFC in March 2001 through August 2004. Ultimately, a total of 155 UFC families (87.5% of the total served) were reviewed.

In Deschutes County, Oregon, the sample universe consisted of 140 UFC families served between March 1999 and June 2004. A total of 106 families (75.7% of the total served) were ultimately reviewed. In Jackson County, Oregon, the sample universe was 201 families accepted into the UFC between 2002 and 2005. A total of 145 families (72.1% of the total served) are included in this analysis. Table 3-1 summarizes this data.

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
UFC families in the study	155	106	145
Sampling time frame	March 2001 - August 2004	March 1999 - June 2004	January 2002 - December 2005
Families accepted into the UFC during this time frame	177	140	201

Data collectors were recruited from former UFC staff and current and former non-UFC court staff. All data collectors were trained by the principal investigator in the use of the data collection form. As forms were returned, project staff reviewed them for consistency and completeness and followed through with data collectors, as needed, to improve data collection quality in general and to clarify data on specific cases.

The data collection phase was lengthy. The vast majority of all data extraction required a manual review of paper files. Maricopa County did not maintain separate UFC files after cases closed. As a result data collectors had to locate and review files from multiple courts (domestic relations, juvenile, etc.). In addition, the multi-case nature of these families meant that there were far more files than families under review. The 406 UFC families in the study had approximately 1,200 cases requiring review.

In addition, because the families could include any of a wide variety of case types, the data extraction form had to consider process and outcomes variables for, minimally, dependency, delinquency, civil protection orders, family cases related to paternity, parenting time, guardianship, and child support, and, in the two Oregon sites, criminal cases. In addition, many families had multiple cases of a single type, which meant that the final data collection form gathered information on up to three dependency cases, six delinquency cases, one domestic relations case, five civil protection order cases, five criminal domestic violence cases, one criminal child abuse case, and nine other criminal cases.

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## **Integrated Approaches** to manage multi-case families in the justice system

The 406 UFC families in this study had an average of 3.45 open cases that were reviewed. The total number of cases across all the sites is 1,399, with a total of 8,680 hearings.

### **Comparison Court File Data**

Like other empirical research on unified family courts, this study is hampered by the lack of a strong control or comparison group. Generating a random sample of cases processed through traditional and UFC procedures was not an option at any site. A number of alternative methods of generating comparison data were explored. At all three sites, the possibility of going back in time to a period preceding the establishment of the UFC was considered, but ultimately rejected. In Deschutes County, this approach would have required the generation of a comparison group from a time period prior to the passage of major federal legislation regulating the processing of abuse and neglect cases. At all three sites, this approach would have required extremely labor-intensive efforts to screen filings for the presence of multiple open cases.

In Jackson County, Oregon, the UFC approach that was in place had to be discontinued during most of 2001 due to staffing shortages. Although screening for multi-case families continued, the cases did not receive any special treatment and were not reassigned to a single UFC judge. The Jackson County comparison group is comprised of 155 multi-case families with court filings during 2001. Given the similarities between Deschutes and Jackson jurisdictions with respect to jurisdiction size and the types of cases included in the UFC, analyses also tests for statistically significant differences between the Jackson County non-UFC cases and the Deschutes County UFC cases.

In Maricopa County, Arizona, a comparison group of 42 cases was generated using a group of multi-case families who were considered for the UFC but not served through the project. There were a variety of reasons these why cases were not accepted into the UFC. When the UFC began, only cases from one courthouse (Southeast Facility) were considered for inclusion. This was intended to make consolidation of cases easier by limiting the geographic area covered. Similarly, during the early stages of the project, a number of judges elected to keep some cases that were eligible for UFC reassignment and the program allowed this in order to encourage judicial support for the pilot. Many of the decisions to exclude cases were intended to help keep volume to a manageable level. As the program's administrator noted: "There have been many more that were 'qualified' [for UFC treatment] based on [our] criteria but we were cautious not to overburden the four pilot judges."

The 196 non-UFC cases in this study had an average of 3.63 open cases that were reviewed. The total number of cases across all the sites is 712.

As noted in the Overview, Chapter 4, which profiles the UFC cases, includes an analysis of the similarities and differences of UFC and comparison cases on a few key background characteristics.

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**Table 3-2. Comparison Cases Per Site**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
Comparison cases	42	0	154

### **Qualitative Data**

Interviews and focus groups were conducted with program administrators and staff, judges, prosecutors, attorneys for parents and children, Court Appointed Special Advocates, probation officers, child protection workers and administrators, and representatives of relevant UFC advisory groups. A total of 35 interviews were conducted across the three sites.

The interviews were used to generate information about the following:

#### **History**

- How did the UFC come to be?
- What were the perceived problems that the UFC was to address?
- What training and planning happened to support the UFC?
- Who supported the UFC concept? Why?
- Who resisted the idea? Why?
- How were decisions made regarding how to define a family, what types of cases to accept? What, if any, types of cases to exclude?
- How were initial cases selected? Had all of the cases for these families been open for quite some time prior to the start of the pilot?

#### **Identifying families**

- What were the initial expectations regarding the types of cases the UFC would see? Did these expectations prove to be accurate?
- What were the initial plans regarding how to identify families? Did this change over time? How and why?
- How are families with one current open case, but various types of other closed cases, handled? Are these relevant UFC cases? Are families without children ever handled by the UFC?
- Does the UFC accept all relevant families, or is there a maximum based on number of judges?

#### **Case processing**

- What were the initial plans regarding what would happen once families were accepted into the UFC? Did this change over time? How and why?
- Is there service coordination provided by the UFC? How does this operate?
- Does the UFC aim for one judge-one family? One family-one team?
- Who is required to attend various types of hearings?
- How is ADR incorporated into UFC case processing? When and where is it available?

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## **Integrated Approaches** to manage multi-case families in the justice system

### **Staffing**

- What judicial and non-judicial staffing is needed for a UFC?
- How long do judges serve? How are they selected? Are many judges willing to serve?
- Can the UFC concept work in large cities or cities with multiple courthouses?
- How should courts calculate a reasonable caseload for UFC judges?
- What types of ongoing workgroups or task forces are needed, if any?

### **User reactions**

- What are the major advantages and disadvantages of the UFC from various professionals' perspectives?
- What is the impact of UFC on the workload of various professionals?
- Do judges feel there is risk of judicial bias? Coercion of families?
- Does the court lose critical subject matter expertise by having one judge handle all of a family's cases?
- Are there enough multi-case families to warrant a special intervention? What ongoing training is needed for various professionals?
- What are the pros and cons of including criminal cases in the UFC? Might this jeopardize due process? Might it "de-criminalize" serious offenses?
- How has the court dealt with confidentiality issues and information sharing?
- What type of management information system is needed in smaller and larger jurisdictions? Are courts getting any closer to having fully functional information technology systems?
- What is the future of the UFC?

### **Data Limitations**

This study has a number of limitations that should be specifically noted. As described in Chapter 2, the sites selected for the study were chosen because they utilize interesting UFC models (e.g., by allowing criminal cases to be dealt with in the UFC) and strong national reputations. However, the sites are not necessarily "representative" of all UFC courts and the findings might have differed considerably had other programs been selected.

Like most UFCs, the programs in this study handle relatively small volumes of cases. As a result, the analysis is often based on fairly small samples. The chances of being able to measure significant differences across programs or between UFC and non-UFC cases is, of course, limited with small samples. In addition, the small number of certain case types within a site sometimes precludes UFC and non-UFC comparison. For example, the Maricopa and Deschutes samples include very few delinquency cases, and the Maricopa non-UFC cases include few dependency cases.

At some sites, when the UFC started, existing multi-case families were selected for reassignment to the UFC. Including these cases in the study may dilute the effects of the UFC because some case activity took place under the traditional system.

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However, given the relatively low volume of cases handled by the sites, it was not possible to restrict the samples to those families with no pre-UFC case processing.

Finally, and perhaps most importantly, as noted above, the study lacks a strong comparison group for each UFC program. This significantly limits the ability of the study to accurately address the differences in case processing that are introduced by the adoption of a unified family court.

Given these limitations, the outcome analysis in this report is, of necessity, more exploratory than definitive. Most of the outcomes considered in this report, such as reunification in dependency cases or recidivism in delinquency cases, have been the subject of extensive research in other studies that have documented that the outcomes are influenced by a number of factors, such as the age of the child or the family's history in the legal system, that cannot be considered without larger sample sizes and strong comparison groups.

### **Summary**

The primary data used in this study were generated from a review of the court records of cases served by the unified family court. The sample in Maricopa County, Arizona, was all 155 of the 177 families served by the UFC at the Mesa Courthouse from the inception of the UFC in March 2001 through August 2004. In Deschutes County, Oregon, the sample consisted of 106 of the 140 UFC families served between March 1999 and June 2004. In Jackson County, Oregon, the sample was 145 of 198 families accepted into the UFC between 2002 and 2005.

Like other empirical research on unified family court, this study is hampered by the lack of a strong control or comparison group. Generating a random sample of cases processed through traditional and UFC procedures was not an option at any site. A number of alternative methods of generating comparison data were explored. In Jackson County, Oregon, the UFC approach had to be discontinued during most of 2001 due to staffing shortages, and the Jackson County comparison group is comprised of 155 multi-case families with court filings during 2001. No comparison group was generated in Deschutes, but given the similarities between Deschutes and Jackson with respect to jurisdiction size and the types of cases included in the UFC, some of the analyses also reports statistically significant differences between the Jackson County non-UFC cases and the Deschutes County UFC cases.

In Maricopa County, Arizona, a comparison group of 42 cases was generated using a group of multi-case families that were considered for the UFC but not served through the project. There were a variety of reasons why these cases were not accepted into the UFC, including the fact that when the UFC began, only cases from one courthouse (Southeast Facility) were considered for inclusion and other cases were excluded because to help keep volume to a manageable level

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Interviews and focus groups were conducted with program administrators and staff, judges, prosecutors, attorneys for parents and children, Court Appointed Special Advocates, probation officers, and child protection workers and supervisors.

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**Chapter 4**

**Description of Cases in the Unified Family Court**

This chapter begins with a brief profile of the families accepted into the UFC at each study site. It concludes by comparing the UFC and non-UFC families on a few key variables to assess the degree of similarity or difference between these two groups.

**Profile of Adults and Children in the Unified Family Court**

Families accepted into the UFC at each site typically had one or two children. The percentage of cases with a very young child (under age five years) was quite high at each site, ranging from 43.9 to 58.5 percent. However, not surprisingly given the inclusion of delinquency cases at each site, families with adolescents were also quite common. Approximately a third of the Maricopa and Deschutes cases, and a quarter in Jackson County, included a child over the age of 13 years.

**Table 4-1. Numbers and Ages of Children in UFC Cases by Site**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
<b>Number of children in UFC cases</b>			
Average	1.9	2.0	1.7
Total	288	186	197
One	43.0%	35.5%	50.4%
Two	33.1%	43.0%	33.0%
Three	15.9%	15.1%	13.0%
Four	6.0%	3.2%	2.6%
Five to eight	2.0%	3.3%	0.9%
Number of families with data	(151)	(93)	(115)
<b>Ages of children in UFC cases</b>			
Average age of youngest child	6.6	5.5	7.2
Average	7.9	6.9	7.8
Children in the home under 5 years	43.9%	58.5%	54.5%
Children age 5-7	31.6%	28.3%	20.0%
Children age 8-10	26.5%	23.6%	13.1%
Children age 11-13	27.7%	17.9%	16.6%
Children age 14-16	25.8%	20.8%	14.5%
Children over age 16	7.7%	9.4%	10.3%
Number of families with data	(155)	(105)	(124)

The court records indicate some special issues and concerns for the children in approximately half of the Maricopa and Jackson cases, and approximately two-thirds of the Deschutes cases. In Maricopa County, the top three issues noted in the files are violent behavior, delinquency histories, and mental health issues. In Deschutes County, the top three issues are delinquency histories, physical illnesses and disabilities, and educational problems. In Jackson County, only two issues occur with any frequency. As in the other sites, the foremost problem is a delinquency history, and the second most commonly noted problem relates to substance abuse by a

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minor. Other studies of unified family courts have also noted child behavioral issues with some frequency. For example, a review of 235 multi-case families in the Indiana UFC pilot found that 18 percent of the records indicated child behavioral problems (Kuhn, 2001).

**Table 4-2. Issues Noted for Children in UFC Cases by Site**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
Issues mentioned in UFC case records			
★ Delinquency history	18.7%	12.3%	26.9%
★ Violent behavior	19.4%	5.7%	2.8%
★ Mental illness or mental health issues	18.1%	7.5%	2.1%
★ Drug and/or alcohol issues	15.5%	5.7%	11.6%
★ Truancy	12.3%	2.8%	0.7%
★ Other educational issues	17.4%	9.4%	0.7%
Physical disability and/or illness	14.8%	12.3%	0.7%
Acting out sexually	10.3%	0.8%	0.0%
Any of the issues above	51.6%	66.0%	48.3%
Number of families with data	(155)	(106)	(145)

★ Chi square is significant at .02.

The sites varied widely in the number of adults involved in the UFC cases. In Maricopa County, each case averaged 3.6 adults. In Deschutes and Jackson counties, the averages were significantly lower at 2.2 and 1.7 per case, respectively. The greater number of adults in Maricopa is due to the relatively frequent involvement of grandparents in a wide range of cases including domestic relations and dependency (see Table 4-4). At each of the sites, the adults most commonly involved in the case are mothers and fathers. Each of the courts defines “family” in a general, broad manner to allow discretion to judges in determining whether there would be advantages to treating the cases through the UFC.

**Table 4-3. Number of Adults in UFC Cases by Site**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
Number of adults in UFC cases			
★ Average	3.6	2.2	1.7
Total	550	230	200
One	1.3%	4.8%	34.5%
Two	25.3%	76.2%	63.0%
Three	27.3%	16.2%	2.5%
Four	22.7%	1.0%	0.0%
Five to eight	23.3%	1.9%	0.0%
Number of families with data	(154)	(105)	(119)

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**Table 4-4. Relationships of Adults to Children in UFC Cases by Site**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
★ Mother	97.4%	98.1%	78.6%
★ Father	92.9%	88.7%	54.5%
★ Stepmother	6.5%	1.9%	0.0%
★ Stepfather	11.6%	7.5%	0.7%
★ Grandparent	43.9%	3.8%	2.8%
★ Adult sibling	1.9%	0.9%	0.0%
★ Other relative	20.6%	0.9%	0.0%
★ Unrelated caregiver	10.3%	0.0%	0.7%
★ Permanent guardian	3.9%	0.0%	0.0%
★ Mother's boyfriend	7.1%	1.9%	0.7%
★ Father's girlfriend	2.6%	0.0%	0.0%
★ Other	3.9%	4.7%	0.0%
Number of families with data	(155)	(106)	(145)

★Chi square is significant at .05.

The UFC files from all three sites reference a wide array of problems that these adults are experiencing. At all three sites, drug and alcohol abuse are commonly mentioned in the court files. Family violence is also cited as an issue in all three sites, although it is noted with less frequency in Jackson County than in Maricopa and Deschutes. Jackson County cases are also less likely to note mental illness, past criminal histories, or a history of incarceration. Court files indicate one or more problems for adults in at least three-quarters of the cases at each site. The Indiana UFC pilots (Kuhn, 2001) also noted high levels of family problems including substance abuse issues (65%), probation or jail (72%), domestic violence (56%), and mental health issues (34%). Similarly, the UFC pilot in Adams County, Colorado (Thoennes, 2001) noted frequent references in the files to drug abuse (41%), alcohol abuse (30%), and domestic violence (56%).

**Table 4-5. Issues Noted for Adults in UFC Cases by Site**

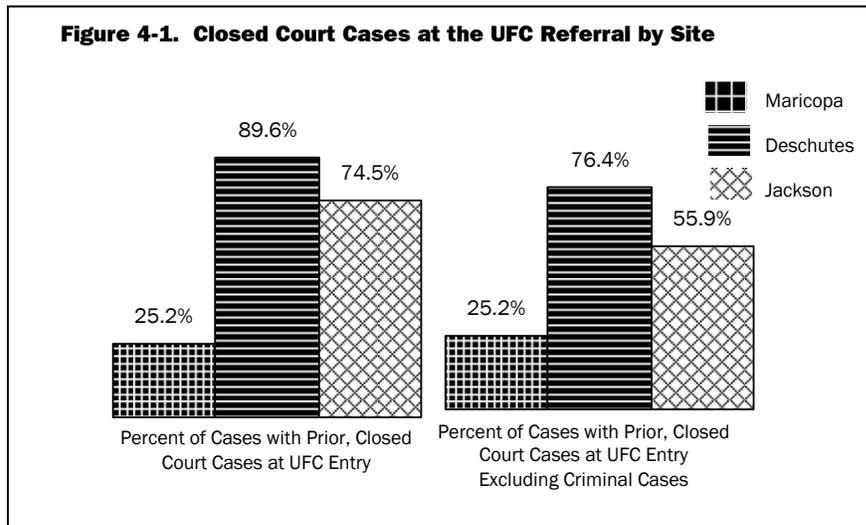
	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
Issues mentioned in UFC case records			
★ Family violence	40.6%	52.8%	22.1%
Drug abuse	61.3%	58.5%	49.7%
★ Alcohol abuse	24.5%	28.3%	54.5%
★ Mental illness or mental health issues	32.9%	33.0%	4.8%
★ Criminal history	48.4%	57.5%	20.7%
★ Past incarceration	31.0%	28.3%	13.1%
★ Physical disability or medical issues	6.5%	3.8%	0.0%
Any of the issues above	91.0%	88.7%	73.8%
Number of families with data	(155)	(106)	(145)

★Chi square is significant at .02.

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### **Past Cases for UFC Families**

Approximately 90 percent of the Deschutes cases and 75 percent of the Jackson County cases had closed cases at UFC entry. A history of prior court cases is less common in Maricopa County, where nearly three-quarters of the UFC families show no prior closed cases. The cross-site differences narrow slightly if prior criminal cases, which are not handled by the Maricopa UFC and cannot be readily checked on the automated system, are excluded.



Among families with prior court involvement, there is a large range in the number of prior cases. In Maricopa County, the range in the number of closed cases runs from one to eight, with an average of 2.1 and a median of 1.0. In Deschutes County, the figures are significantly greater. The range is from one to 53 cases, with an average of 10.6 cases and a median of 8.0. In Jackson County, the average falls between the other two sites, at 3.4 and the median is 2.5.

Table 4-6 shows the types of closed cases found among the UFC families in each site with prior cases. At all three sites, the most commonly occurring type of closed case is one traditionally heard by the domestic relations court. These cases include dissolution of marriage, child custody, child support, paternity, and related matters.

In Maricopa County, the other common types of closed cases include dependency and delinquency. In Deschutes County, prior cases consisted of misdemeanor, felony, and domestic violence matters. Like Deschutes, Jackson County also includes a significant number of cases with prior felonies and misdemeanors.

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**Table 4-6. Types of Prior, Closed Cases Among UFC Families With Prior Cases by Site**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
★Average number of prior	2.1	10.6	3.4
Median number of prior	1.0	8.0	2.5
Total number of prior	81	1,006	370
★Dependency cases	43.6%	12.6%	25.0%
Delinquency cases	23.1%	26.3%	21.3%
★Dissolution, custody, child support, etc.	51.3%	71.6%	49.1%
★Domestic violence	◆	55.8%	25.9%
★Criminal child abuse	◆	7.4%	0.9%
★Other felony	◆	57.9%	41.7%
★Other misdemeanor	◆	73.7%	36.1%
Number of families with data	(39)	(95)	(108)

★Anova F test significant at .00. Deschutes is significantly different from Maricopa and Jackson.  
 ◆ Maricopa UFC did not handle criminal cases, and criminal records were not reviewed.  
 ★Chi square is significant at .02.

**Open Court Cases for UFC Families**

The number of cases that were open during the time the family was involved with the UFC is shown in Table 4-7. Not all of these cases were necessarily reassigned to the UFC. The issue of the number and types of cases accepted into the UFC is discussed in the next chapter of this report. Table 4-7 also shows that a few families at each site have only a single case open. The phenomenon of single case families in the UFC is also dealt with in Chapter 5.

The average number of cases open during the families' involvement with the UFC ranged from a low of 2.6 in Maricopa County (where criminal cases are not included in the count) to a high of 5.1 cases in Deschutes County. While the majority of families in each site have four or fewer cases open, a small percentage, ranging from 1.9 percent in Maricopa to 10 percent in Deschutes, had eight or more cases open during their involvement with the UFC. The number of open cases at each site is quite comparable to the 3.5 open cases reported in the Adams County, Colorado, UFC pilot study (Thoennes, 2001).

**Table 4-7. Number of Cases Open While the Family was Involved with the UFC by Site**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
★Average	2.6	5.1	3.1
Median	2.0	4.5	3.0
Number of families with data	(155)	(106)	(145)
Total cases	397	543	442

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**Table 4-7. Number of Cases Open While the Family was Involved with the UFC by Site**

		<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
Number of cases	1	10.3%	6.0%	19.3%
	2	58.7%	10.0%	29.0%
	3-4	23.2%	34.0%	34.5%
	5-7	5.8%	28.0%	13.1%
	8-10	1.9%	12.0%	2.8%
	11-13	0.0%	7.0%	1.4%
	14-18	0.0%	3.0%	0.0%
Number of families with data		(155)	(106)	(145)

★ANOVA F is significant at .00. Deschutes average is statistically higher than the other sites.

Figure 4-2 shows the percentage of families with juvenile cases open during their time in the UFC. Nearly 90 percent of the families at each site had either a dependency or delinquency case open, and at each site, dependency cases were more common. Domestic relations cases were also common at all three sites (see Figure 4-3). This is especially true in Maricopa County.

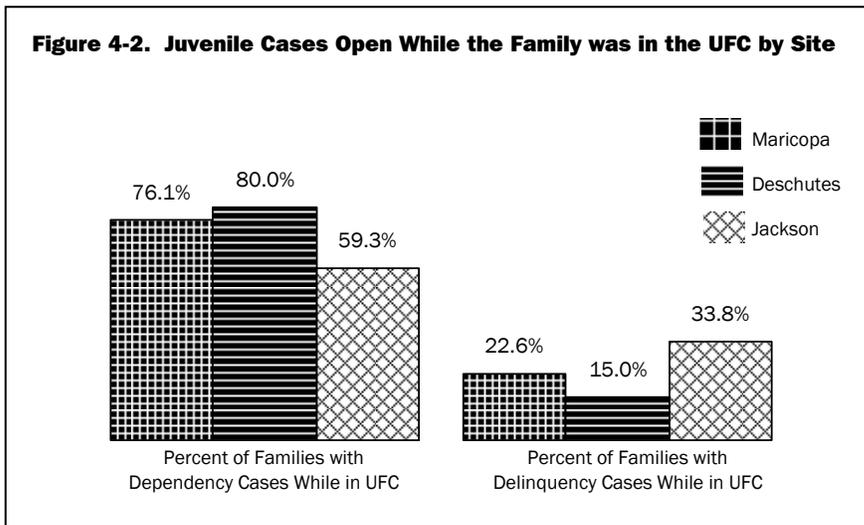
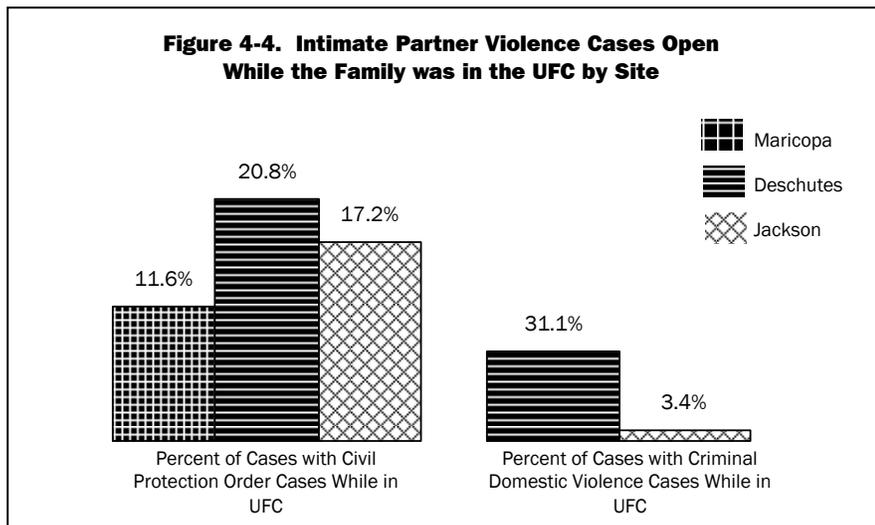
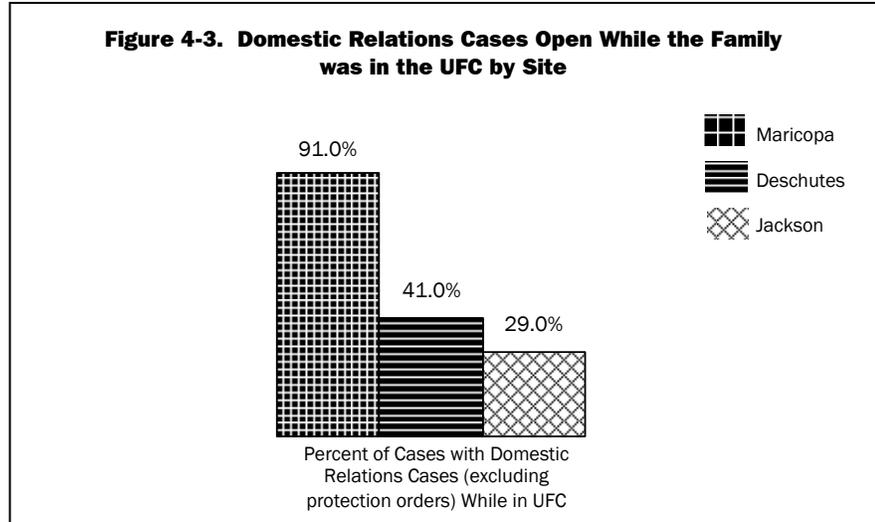


Figure 4.4 shows the percentage of families with cases stemming from intimate partner violence. Criminal domestic violence cases were not handled by the Maricopa UFC, and this site is not included in the criminal portion of Figure 4-4. Civil protection order cases, as well as criminal domestic violence cases, were most common in Deschutes, where approximately a quarter of the families had one or both types of cases open while they were involved with the UFC. However, the cross-site differences in the percentage of families with civil protection orders are not statistically significant.

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Finally, Figure 4-5 shows the percentages of families with criminal cases open during the family's involvement with the UFC. Criminal cases of all types were common in both Deschutes and Jackson counties. As noted above, Maricopa chose not to include criminal cases in the UFC and criminal records were not reviewed.

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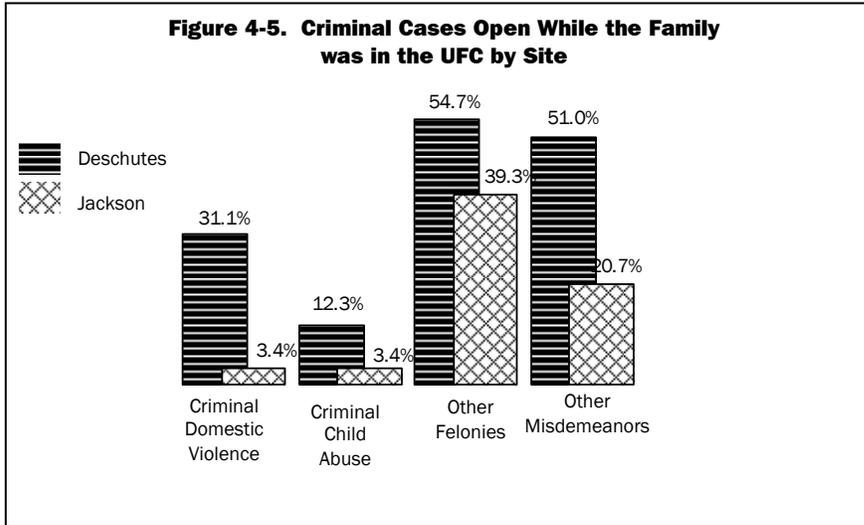


Table 4-8 presents the number of different types of cases are open, rather than simply the total number open. The number of different types of cases open is relevant because case processing and management will be quite different for a family with two dependency cases versus one dependency case and one criminal domestic violence case open. The types of cases considered include dependency, delinquency, domestic relations (which may involve multiple issues such as custody and child support), and civil protection orders. In Deschutes and Jackson, the case types also include criminal domestic violence, criminal child abuse, non-abuse felonies, and non-abuse misdemeanors. Thus, families in Deschutes and Jackson counties might have up to seven different types of cases open, while Maricopa families might have up to four different types of cases open. Table 4-8 shows that most families do have more than a single type of case open.

**Table 4-8. Number of Different Types of Cases Open Among UFC Families by Site**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
★Average	2.0	3.1	2.0
Only one type of open case	12.9%	8.6%	31.8%
Two types of cases open	71.0%	24.8%	39.2%
Three types of cases open	15.5%	35.2%	18.9%
Four or more types of cases open	0.6%	31.5%	9.9%
Number of families with data	(155)	(106)	(145)

★ANOVA F is significant at .00. Deschutes average is statistically higher than the other sites.

There are, of course, a very large number of combinations possible for families with multiple types of open cases. Table 4-9 shows that Maricopa County families frequently involved dependency filings and domestic relations filings (perhaps with other cases as well) or domestic relations filings and filings related to criminal domestic violence charges or civil protection orders. In both Jackson and Deschutes

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counties, common combinations include dependency filings and filings related to criminal domestic violence charges or civil protection orders, and dependency filings and non-abuse criminal cases.

**Table 4-9. Combinations of Cases Open Among UFC Families by Site**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
Percentage of cases with at least the following types of cases open:			
Dependency and domestic relations	77.0%	37.5%	28.3%
Domestic relations and criminal or civil domestic violence	60.0%	37.3%	21.3%
Dependency and delinquency	14.1%	6.3%	7.1%
Delinquency and domestic relations	21.5%	5.2%	13.1%
Dependency and non-abuse felony or misdemeanor	◆	62.5%	46.5%
Dependency and criminal or civil domestic violence	◆	82.9%	40.0%
Delinquency and criminal or civil domestic violence	◆	14.3%	8.5%
Number of families with data	(155)	(106)	(145)
◆ Maricopa UFC did not handle criminal cases, and criminal records were not reviewed.			

**Comparison and UFC Cases**

There are numerous possible comparisons that might be made between the UFC and non-UFC families. The following analysis, while not comprehensive, considers a few key variables that will help to establish the degree of comparability between the UFC and non-UFC families. The comparisons of interest are between Maricopa UFC and non-UFC families; Jackson UFC and non-UFC families; and Deschutes UFC and Jackson non-UFC families.

Table 4-10 shows no statistically significant differences in the number or ages of children in UFC and non-UFC families. However, there are some statistically significant differences between the types of prior and current cases among UFC and non-UFC families. Specifically:

- In Maricopa County, a greater percentage of UFC versus non-UFC families have prior and current dependency filings, while the non-UFC families show a greater number of current civil protection order filings. In other respects, the two groups are similar.
- Comparisons between Jackson County UFC and non-UFC families show a higher percentage of UFC families with prior cases, including a greater percentage of prior delinquency, domestic relations, civil protection order, and other felony cases. On the other hand, the non-UFC families show a greater overall number

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of open cases, including more open dependency, domestic relations, and civil protection order cases, but fewer delinquency cases.

- Comparing Deschutes UFC families and Jackson non-UFC families shows a greater percentage of all types of prior cases in the UFC families, with the single exception of dependency cases. The UFC families also show a greater number of open cases, including criminal domestic violence, criminal child abuse, and other felony cases.

**Table 4-10. Numbers and Ages of Children and Prior Court Cases of Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Average number of children	1.8	1.6	1.6	1.2	1.2
Average age of youngest child	6.6	6.9	5.5	7.2	6.4
Number of families with data	(155)	(42)	(106)	(145)	(154)
◆ • Family has prior, closed cases	25.2%	16.7%	89.6%	74.5%	50.0%
Percent with prior					
★ Dependency cases	11.0%	0.0%	11.3%	18.6%	13.0%
◆ • Delinquency cases	5.8%	0.0%	23.6%	15.9%	2.6%
◆ • Domestic relations cases	12.9%	14.3%	64.2%	36.6%	21.4%
◆ • Domestic violence cases	7.1%	4.8%	51.9%	24.1%	12.3%
• Criminal child abuse cases	◆	◆	6.6%	0.7%	0.0%
◆ • Other felony cases	◆	◆	51.9%	31.0%	9.7%
Number of families with data	(155)	(42)	(106)	(145)	(154)
■ If prior, average number of prior	2.2	1.0	10.6	3.4	2.7
Number of families with data	(39)	(7)	(95)	(108)	(77)
Percent with open					
★ ◆ Dependency cases	76.1%	35.7%	80.0%	59.3%	71.4%
◆ • Delinquency cases	22.6%	16.7%	15.0%	33.8%	15.6%
Domestic relations cases	91.0%	97.6%	41.0%	29.0%	37.7%
★ ◆ Civil protection order	11.6%	31.0%	20.8%	17.2%	26.6%
◆ • Criminal domestic violence cases	◆	◆	31.1%	3.4%	9.7%
• Criminal child abuse cases	◆	◆	12.3%	3.4%	3.2%
• Other felony cases	◆	◆	54.7%	39.3%	33.8%
■ Average number of open cases	2.6	2.9	5.1	3.1	3.8
Number of families with data	(155)	(42)	(106)	(145)	(154)

◆ Maricopa UFC did not handle criminal cases.

★ Maricopa UFC and comparison groups are statistically different at .05.

◆ Jackson UFC and comparison groups are statistically different at .05.

• Deschutes UFC and Jackson comparison cases are statistically significant at .05.

■ ANOVA F is significant at .00. Deschutes average is statistically higher than the other sites.

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Table 4-11 shows the problems for children and adults in the UFC and non-UFC families noted in court documents. In general, the table shows greater levels of problems noted for both children and adults in the UFC compared to non-UFC families. While this may suggest that the UFC handled more troubled cases, it is also possible that the table merely demonstrates that the UFC approach results in greater information being obtained about families and documented in their files.

Specifically, Table 4-11 shows:

- In Maricopa County, the UFC and non-UFC families show statistically significant differences on the percent with violent behavior, truancy, and other educational problems for children. In all instances, the UFC families show a greater incidence of problems.
- In Maricopa County, the UFC and non-UFC families show statistically significant differences on the percentage of cases with reported drug use by the parents, and percentage with prior dependency actions. Again, the UFC families show greater problems than the non-UFC families.
- In Jackson County, the UFC and non-UFC families show statistically significant differences on the percentage with drug and/or alcohol use and delinquent behavior by children. In all instances, the UFC families show a greater incidence of problems.
- In Jackson County, the UFC and non-UFC families show statistically significant differences on the percentage with parental substance abuse and a greater percentage with prior court involvement. Again, the UFC families show greater problems than the non-UFC families.
- Comparisons between Deschutes County UFC families and Jackson County non-UFC families show statistically significant differences on the percent with educational and medical problems for children. In all instances, the UFC families show a greater incidence of problems.
- Comparisons between Deschutes County UFC families and Jackson County non-UFC families show statistically significant differences on the percent with family violence, mental health issues, substance abuse, medical problems, and criminal histories for adults.

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**Table 4-11. Selected Family Problems of Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Files indicate problems for child related to:					
★ Violent behavior by child	19.4%	9.5%	5.7%	2.8%	1.9%
Mental health	18.1%	9.5%	7.5%	2.1%	5.2%
‡ Drug or alcohol use	15.5%	9.5%	5.7%	11.7%	1.9%
Sexually inappropriate behavior	10.3%	7.1%	0.9%	0.0%	0.0%
★ Truancy	12.3%	2.4%	2.8%	0.7%	0.6%
★ • Other educational issues	17.4%	4.8%	9.4%	0.7%	1.9%
‡ • Delinquency	18.7%	16.7%	12.3%	26.9%	3.9%
• Medical needs	14.8%	9.5%	12.3%	0.7%	0.6%
Number of families with data	(155)	(42)	(106)	(145)	(154)
Files indicate problems for adult related to:					
• Family violence	40.6%	31.0%	52.8%	22.1%	14.9%
• Mental health	32.9%	26.2%	33.0%	4.8%	9.1%
★ ‡ • Drug use	61.3%	45.2%	58.5%	49.7%	16.9%
‡ • Alcohol abuse	24.5%	16.7%	28.3%	54.5%	40.3%
• Medical issues	6.5%	7.1%	3.8%	0.0%	0.0%
• Past criminal history	48.4%	52.4%	57.5%	20.7%	15.6%
Number of families with data	(155)	(42)	(106)	(145)	(154)
★ Maricopa UFC and comparison groups are statistically different at .05.					
‡ Jackson UFC and comparison groups are statistically different at .05.					
• Deschutes UFC and Jackson comparison cases are statistically significant at .05.					

**Summary**

As measured by their past and current involvement in the legal system, as well as by the issues documented in the UFC files, the families served by the UFC in each site are exceedingly troubled. The families in Deschutes are especially likely to have long histories in the legal system and numerous current cases. These finding conform to the limited data on cases presented in other empirical studies of unified family courts.

There are some differences across the sites that are probably an artifact of the way cases are selected for the UFC program. For example, the Maricopa UFC families include more domestic relations matters than do the UFC samples from Deschutes and Jackson. In part, this may stem from the fact that Maricopa did not include criminal cases, which means that all of the multiple open cases had to be either domestic relations or juvenile cases. However, it may also reflect the fact that delinquency prosecutors were reluctant to have cases assigned to the UFC due to the demands this placed on their time.

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Given that the comparison samples from Maricopa and Jackson counties were not generated through random assignment, it is not surprising to find some significant differences between the UFC and non-UFC families. Some of these differences are relatively unimportant since they do not indicate that one group is more problematic or difficult than the other. For example, there are more delinquency filings among Jackson UFC families versus non-UFC families and more dependency filings among UFC versus non-UFC families. There is no reason to believe that families with dependency cases are inherently more difficult to work with relative to families with delinquency filings. In addition, because the outcome analysis is presented by case type (e.g., outcomes in dependency cases, outcomes in domestic relations cases, etc.), these differences will naturally be controlled during the analysis.

The UFC families do show higher percentages of children and adults with various types of problems. However, it is impossible to determine whether this is a real difference between the UFC and non-UFC families or merely an indicator that there is more information available on the children and adults involved in UFC cases.

The only important objective measure on which the UFC and non-UFC families differ is on the number of current and prior open cases. However, the difference affects only the Deschutes UFC and Jackson non-UFC comparison. The Maricopa UFC and non-UFC families and the Jackson UFC and non-UFC families show no statistically significant differences in the number of prior cases or the number of open cases. However, the Deschutes UFC families show more prior and open cases than do the Jackson non-UFC families. This would seem to indicate that the Jackson non-UFC families may not be a good comparison for the Deschutes UFC families. While this limits the ability of the study to draw conclusions about the effects of the UFC process, the fact that the Deschutes UFC families appear to be more troubled than the Jackson comparison families suggests that any observed benefits among the Deschutes UFC sample should be a conservative estimate of the benefits that might be observed if the two groups were more equivalent.

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### **Sample Case**

This Deschutes County UFC family illustrates the complexities that many multi-case families bring to the court. They frequently involve multiple agencies: in this case, adult and juvenile probation, child protective services, mental health providers, and substance abuse treatment professionals, among others. The family may also be geographically mobile, which may bring them into and out of the UFC jurisdiction several times.

This family consists of a mother in her mid-twenties, a stepfather in his mid-forties, and three children, two boys and one girl. At first entry to the UFC, the family included an oldest boy aged seven years, a middle boy aged five years, and a girl aged three.

Within the span of a few months of their cases being flagged for UFC consideration, the mother and stepfather filed for divorce, criminal charges were filed against the mother related to theft, the children were removed from the home when the mother was hospitalized due to a drug (heroin and methamphetamine) overdose, and the stepfather filed for a restraining order against the mother.

At the start of the UFC involvement, the child protection agency insisted on residential drug treatment for the mother and out-of-home placement for the children. The children were placed in non-relative foster care when the stepfather declined to take them. The mother was adamant that she did not have a drug problem and did not need treatment. As a result, she was unwilling to participate in a family meeting to develop a service plan and the pending cases were heard by the UFC judge. The divorce and restraining orders were granted, and the children remained in foster care. The mother received probation on her criminal charges and orders for residential drug treatment.

After failing in two residential drug treatment programs, the mother violated conditions of her probation and was jailed while waiting for another treatment program opening. The stepfather, who remained involved with the mother following the divorce, offered to pay for a private out-of-county treatment program. The mother agreed to this and left the county for approximately a year. When she returned home, she stayed clean and sober, enrolled in school, and began contacting her caseworker and the court asking to have her children returned.

The child protection agency did not believe reunification would work. The psychiatric evaluation completed on the mother before her drug treatment indicated numerous personality disorders in addition to her addictions. The agency chose to place all three children in a foster-adopt home. However, the oldest son, now aged eight, began exhibiting behavior problems. These problems became extreme enough that the foster-adopt parents indicated they were no longer interested in adopting, or in

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providing foster care. In light of this, the court and agency chose to try reunification with the mother under close supervision. The children returned home and shortly thereafter, the mother and stepfather remarried. The mother remained in school and off drugs.

During the ensuing five years, the mother's behavior appeared stable, but the middle child now began to evidence serious psychiatric problems. Initially, he was the subject of minor delinquency charges. Then, at about age 12, he attempted to commit suicide by hanging himself. The mother and stepfather paid for him to be institutionalized out of the county. The mother and the other two children relocated to be near the facility where the middle child was placed.

After participating in several residential treatment programs, the middle child was eventually returned home. The mother and all three children continued to reside outside Deschutes County. There are conflicting reports regarding what happened next. What is clear is that while the mother was out of the home, the recently reunified middle son, now age 13, tried to suffocate his nine-year-old sister. An investigating caseworker said the mother was again using drugs and this accounted for her absence from the home, while the mother says she was out attending a 12-step meeting. The reports agree that the oldest brother called the police, and the middle son was arrested for attempted murder. The charges were eventually reduced to assault and he was placed in a youth authority facility. The youngest girl was placed in a series of foster homes.

At this point, about a year after leaving, the mother and oldest son returned to Deschutes County and to the jurisdiction of the unified family court. The stepfather was working outside the county, but was still involved with the family. The mother initially appeared to be doing well. She was caring for her oldest child and attending school, and there was no indication of drug use.

However, within six months, shortly before the child protection agency planned to return the daughter home, the mother had a positive urinalysis. Despite her protestations to the contrary, she appeared to be using methamphetamine again. Plans to reunify the daughter were dropped. A new dependency petition related to the oldest child was filed as a result of the mother's drug use. At about this same time, the oldest son was also engaged in delinquent behavior. Both the child protective services caseworker and his delinquency probation worker agreed that he should be placed in foster care.

The stepfather filed for divorce again. However, he now indicated that he would take the youngest girl if he could receive services and be certified as a foster home. The mother was angered by his "interference." The mother, still using drugs, was the subject of multiple criminal harassment and stalking charges, as she vandalized the stepfather's home and car and issued threats.

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The stepfather's attempt to care for the youngest girl was short lived. The UFC placed the girl in the first of several therapeutic foster homes, where her behavior proved to be disruptive.

At present, about 10 years after entering the unified family court, the family is still being seen by the court. The mother is on probation. The oldest son is in out-of-county foster care and the mother says she wants nothing more to do with him. The middle son remains institutionalized out of the county with severe mental health problems. The youngest daughter is also out of the county in a skilled foster home placement. The children are all adolescents and refuse to consider adoption, although their serious behavior problems would make finding an adoptive home exceptionally difficult.

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## Chapter 5

### Case Processing in the Unified Family Court

#### Referrals and Screening

Table 5-1 shows that over two-thirds of the Jackson County UFC families enter the program as a result of UFC staff reviewing new filings to identify families that may be appropriate. This process accounts for approximately a third of the Deschutes County families. Maricopa County began the UFC pilot by screening new filings but found this process too time consuming and quickly moved to a system in which professionals were allowed to refer potential cases and judges were encouraged to refer families with multiple open cases. As a result, in Maricopa County, most families entered through a judicial referral. In Deschutes and Jackson counties, those families that were not identified through a review of new filings were referred by a mixture of professionals, including judges, attorneys, and other court staff. Prosecutors were not a common source of referrals at any site, but the lack of support among delinquency prosecutors is especially apparent in Maricopa County.

**Table 5-1. UFC Referral or Flagging by Site★**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
Identified by review of filings	0.0%	30.8%	68.1%
Referred to the program			
Judge	89.5%	15.4%	1.4%
Defense attorney	1.3%	3.8%	4.3%
Prosecutor	0.0%	4.8%	3.6%
UFC staff	5.3%	50.0%	68.1%
Other court workers	0.7%	8.7%	5.1%
Case workers and other professionals	3.3%	17.3%	17.4%
Number of families with data	(152)	(104)	(138)

★Chi square is significant at .020.

#### Types of Cases Triggering UFC Entry

The type of case that typically triggers a UFC referral or, in Deschutes and Jackson counties, results in the flagging of the family by court staff reviewing filings, is shown in Table 5-2. The table demonstrates:

- At each of the three sites, a dependency filing is the type of case most likely to precede the family's entrance to the unified court.
- In Jackson County, the other cases are most likely to delinquency or criminal filings.
- In Deschutes County, the remaining cases are most likely to be criminal filings.

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- In Maricopa County, most of the remaining cases are domestic relations/probate filings.

The fact that dependency cases are most likely to trigger a referral is consistent with prior research that suggests that these cases are more likely than other types of family cases to involve parties with other court actions. Flango, *et al.*, reviewed over 1,000 files from divorce, delinquency, and abuse and neglect cases in three jurisdictions and found:

...the type of case used as the “stem” to find related cases makes a difference. Child abuse and neglect cases yielded the most related cases...Divorce cases yielded the fewest number of related cases... (Flango, *et al.*, 1999: 13).

Similarly, research by Halemba, Hurst, and Montgomery in two Ohio courts found that 57 percent of the families appearing on dependency charges, compared to 43 percent with delinquency cases, had other prior or current matter filed in the general division or municipal court (Halemba, *et al.*, 2000).

**Table 5-2. Type of Case Filing Prompting a UFC Referral or Flagging by Site ★**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
Dependency filing	50.3%	58.1%	46.2%
Delinquency filing	11.0%	8.6%	29.7%
Domestic relations (or probate)	35.3%	6.7%	2.1%
Criminal domestic violence or civil protection order	0.6%	9.5%	4.8%
Criminal	0.0%	14.3%	16.6%
Other	2.6%	2.9%	0.7%
Number of families with data	(155)	(105)	(145)

★Chi square is significant at .02.

Table 5-3 shows the average number of months from the family’s first court filing to the second filing that resulted in the family being referred to or flagged for UFC consideration. In Deschutes and Jackson counties, the second filing typically took place less than a year following the original filing date. In Maricopa County, the lag between the first and second case filed was considerably longer, at just over two years. As a result, a great deal of the legal activity on the first filing had undoubtedly already taken place before the family ever entered the UFC.

The amount of time elapsing between the first and second filings in Maricopa is probably an artifact of how the program started. When the pilot began, judges were asked to refer multi-case families on their docket for possible inclusion in the pilot. This was done to “populate” the UFC immediately rather than waiting for second filings to occur after the pilot start date. As a result, many of these multi-case families

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had been in the system for some time prior to the referral. However, all referred cases were reviewed by program staff prior to being accepted into the IFC.

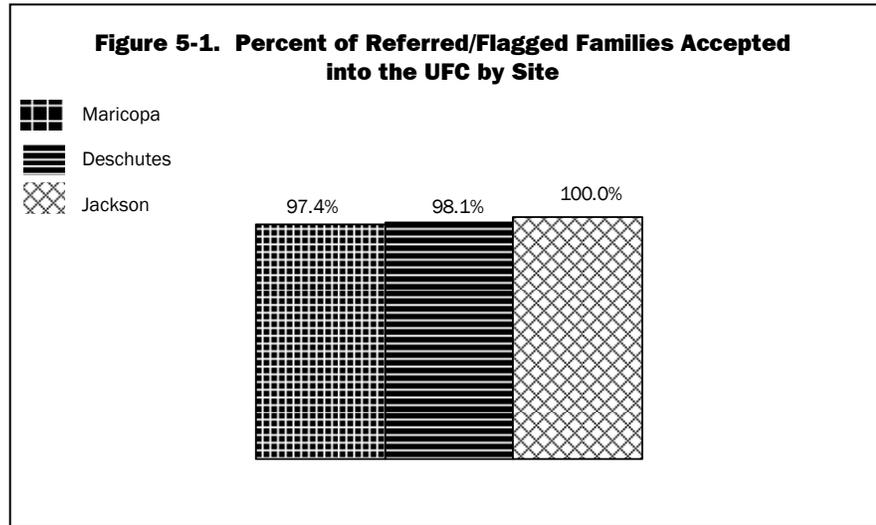
**Table 5-3. Months from the First Court Filing to the Filing Resulting in Entry to the UFC by Site**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
Range in months between filings	0 - 143	0 - 67	0 - 44
★Average number of months between filings	27.0	5.6	7.8
Median number of months between filings	14.0	4.0	4.0
Percent with a second filing:			
Within six months of first filing	31.9%	71.7%	64.2%
More than two years after first filing	33.6%	1.7%	9.4%
Number of families with data	(119)	(60)	(53)

★ANOVA shows Maricopa is significantly different at the .05 level.

**Acceptance and Rejection of Cases**

At all three sites, the final decision regarding whether a family belonged in the UFC was made by a judge. Qualitative interviews with program staff suggested that judges rarely rejected a family submitted for their consideration. This impression is confirmed by the empirical data. Figure 5-1 shows that virtually all families flagged or referred to the UFC were accepted by the judge making the final decision. In Jackson County, all families were accepted, and in both Deschutes and Maricopa, over 95 percent were accepted.



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### **Single Case Families Accepted into the UFC**

Although the UFC at each site was designed to deal with families with multiple open court cases, the data collection effort for this project shows that each program accepted a small number of single-case families. The percentage of single-case families ranged from a low of 6.0 percent in Deschutes County, to a high of 19.3 percent in Jackson County. These cases were included in the study in order to represent the actual range of cases served by UFCs.

In Deschutes and Jackson counties, but not in Maricopa, most of the UFC families with only a single active case did have prior, closed cases. The nature of the single, active case varied somewhat by site. In Maricopa, it was likely to be a domestic relations case. In Deschutes, the case was typically a dependency case, while in Jackson County, the nature of the single, open case was almost equally likely to be a dependency or a delinquency case (see Table 5-4).

It is impossible to know why single-case families are sometimes sent to UFC judges for consideration and why they are accepted. These families generally are not significantly different from multi-case families with respect to the problems that either adults or children are confronting. The exceptions would be slightly more of the following problems among single than multi-case families:

- Somewhat higher levels of truancy in Deschutes County, Oregon (16.7% in single-case families and 1.1% in multi-case families);
  
- Somewhat higher levels of drug and/or alcohol use by children in Jackson County, Oregon (21.4% in single-case families and 9.4% in multi-case families); and
  
- Somewhat higher levels of drug use by adults in Maricopa County (81.3% in single-case families and 59.0% in multi-case families).

Although based on the court record review the single-case families accepted into the UFC do not show a generally greater number of problems for either adults or children, it seems likely that all three UFCs accept some single-case families that are believed to need the greater time and attention that is possible in the UFC.

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**Table 5-4. Information on Single Case Families by Site**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>
Percent of families with only one active case ★	10.3%	6.0%	19.3%
Percent of single-case families with prior cases ★	25.0%	83.3%	71.4%
Number of families with data	(155)	(100)	(145)
Nature of the single-case			
Dependency	31.3%	83.3%	42.9%
Delinquency	0.0%	1.7%	35.7%
Domestic relations	68.8%	0.0%	3.6%
Criminal	0.0%	0.0%	17.8%
Number of families with data	(16)	(6)	(28)

★Chi square is significant at .020.

**Combined and Sequential Hearings**

Dealing with more than a single case in a hearing or on a given day can help families avoid frequent returns to court, which can require time off of work, child care, and transportation arrangements. Coordinating hearings is not a primary goal of the unified family court, but back-to-back hearings were common in one small-scale UFC study, where all of the UFC cases and 39 percent of the control cases had more than one case dealt with on a given day in court (Thoennes, 2001).

Coordinating hearings is complicated by the number of professionals who must be present and whose schedules must be coordinated, the amount of time required, and the differing rules of procedure and evidence governing different types of cases. In the present study, having multiple hearings on a single day was fairly rare. Approximately 3 percent of the Maricopa, 4 percent of the Deschutes, and 6 percent of the Jackson County cases had multiple hearings on the same day. The maximum number of issues dealt with in a single day was 10 in Maricopa County and three in both Deschutes and Jackson counties. However, it is possible that additional hearings included a general update on the family’s cases without this resulting in new orders or other actions that might have been reflected in the court file.

**Summary**

In both Deschutes and Jackson counties, potential UFC families were identified partly by referrals from professionals, but primarily through the review of new filings by UFC staff. In Maricopa, as would be expected in a relatively large jurisdiction, manually reviewing new filings was perceived to be excessively burdensome on staff and automated procedures to identify multi-case families were lacking. As a result, Maricopa relied primarily on referrals from professionals. The abundance of domestic relations cases in this study site may reflect both the decision not to include criminal cases and the reluctance on the part of delinquency prosecutors to have cases assigned to the UFC due to the demands this placed on their time.

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Because the Maricopa site relied primarily on referrals of existing multi-case families rather than reviews of new filings, the cases had been open for a longer period of time at their entrance to the UFC relative to cases in Deschutes and Jackson. The inclusion of older cases may mean that the Maricopa UFC had a more limited ability to influence case processing and outcomes.

Families submitted to UFC judges for consideration were rarely rejected. Judges appear to rely on the judgment of those making referrals and the staff reviewing case filings in making decisions about which families to include. This may also account for the presence of some single-case families. Court staff and professionals who make referrals may see the UFC as a mechanism for providing closer monitoring in some single-case families that need close attention, and UFC judges are reluctant to exclude these cases.

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# **Chapter 6**

## **Outcomes in Dependency Cases**

### **Research Questions**

This chapter describes the dependency cases of the UFC and comparison groups and addresses the following research questions:

- Does the UFC approach, with its emphasis on communication, collaboration, and alternative dispute resolution, result in more stipulations being entered at the adjudication and disposition stage relative to the non-UFC approach?
- Does more intensive judicial involvement in UFC versus traditional courts result in a greater number of hearings per case?
- Does more intensive judicial involvement in UFC versus traditional courts result in cases being processed more slowly or more continuances?
- Do families served through a UFC versus traditional court receive more services or different types of services?
- Do UFC versus traditional court cases vary in their compliance with the service plan that is ordered?
- Does the UFC approach, versus the traditional approach, result in fewer contradictory orders being entered?
- Are there differences by court type in the number of placements, length of placement, or types of placements utilized?
- Do cases processed through the UFC versus a traditional court experience different permanency outcomes? In other words, do UFC and traditional cases differ in their rates of reunification, termination of parental rights, or other permanent living arrangements?
- Do UFC cases remain open longer than dependency cases handled through traditional court proceedings?
- Do UFC cases and traditional cases differ with respect to the rate of subsequent filings?

### **Overview of the Dependency Cases**

The dependency filing prompted the UFC referral or flag for about half of the UFC families at each site. The nature of the dependency case or cases served by the unified family courts is shown in Table 6-1. As this table indicates:

- Most families have one or two children named on the dependency petition.
- The age of the youngest child on the petition ranges from 3.7 to 8.0 years.

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- Prior to the petition filing most children in Jackson County were residing either with both parents (35.2%) or, more commonly, with a single mother (51.6%). In Deschutes County, children were fairly evenly divided between those living with both parents (35.8%) and single mothers (40.7%), while children in Maricopa County were evenly divided between those living with single mothers (31.6%) and those living with relatives (34.2%).
- Both parents were typically named on the petition, and in Maricopa County, where children were often residing with relatives, the petition often named a relative as well.
- In some sites, the petition typically includes generic language regarding the children being at “risk of harm” of either abuse and/or neglect. To the extent that specific allegations were made, the petitions typically mentioned neglect, followed in frequency by physical abuse and then sexual abuse.
- Most cases involve children who are represented by an attorney or an attorney serving as a guardian *ad litem* to represent the child’s best interests, and a parent represented by a court-appointed attorney.

**Table 6-1. Selected Factors Related to the Dependency Filing for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Number with open dependency	118	15	85	86	110
Average number of children	1.8	1.6	1.8	1.8	1.6
Percent with one child on petition	49.6%	60.0%	39.0%	44.6%	55.7%
•Age of youngest child on petition	6.1	8.0	4.7	3.7	7.6
Number of families with data	(113)	(15)	(82)	(83)	(110)
•Where child lived prior to petition					
Mother and father	10.3%	20.0%	35.8%	26.2%	35.2%
Mother	31.6%	20.0%	40.7%	69.0%	51.6%
Father	6.0%	0.0%	2.5%	4.8%	7.4%
Mother and stepfather	3.4%	6.7%	6.2%	0.0%	0.0%
Father and stepmother	1.7%	6.7%	1.2%	0.0%	0.0%
Other relative	34.2%	33.3%	7.4%	0.0%	3.3%
Friend	0.9%	0.0%	1.2%	0.0%	0.0%
Foster care	0.9%	6.7%	0.0%	0.0%	0.0%
Other	11.1%	6.7%	4.9%	0.0%	2.5%
Number of families with data	(117)	(15)	(81)	(84)	(122)
Parties named on the petition					
Mother	91.5%	100.0%	97.6%	100.0%	98.2%
•Father	88.9%	100.0%	91.8%	72.1%	69.1%
•Stepfather or mother’s partner	11.1%	20.0%	10.6%	1.2%	2.7%
Stepmother or father’s partner	5.1%	6.7%	2.4%	0.0%	0.0%
Other relatives	42.7%	33.0%	1.2%	0.0%	1.8%
Other	4.3%	0.0%	2.4%	0.0%	2.7%
Number of families with data	(117)	(15)	(85)	(86)	(110)

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**Table 6-1. Selected Factors Related to the Dependency Filing for Comparison and UFC Families by Site**

	Maricopa County, Arizona	Deschutes County, Oregon	Jackson County, Oregon
Reasons for the petition filing			
•Physical abuse	35.0%	33.0%	19.5%
★ •Sexual abuse	7.7%	26.7%	18.3%
•Neglect	69.2%	46.7%	35.4%
•Drug-exposed infant	11.1%	6.7%	14.6%
★ •Failure to protect child and/or child "at risk of harm"	43.6%	20.0%	58.8%
Child's behavior beyond control of parents	19.7%	13.3%	2.4%
Number of families with data	(118)	(15)	(82)
★ •Representation of child			
Appointed GAL or attorney	94.8%	71.4%	45.5%
CASA only	5.2%	0.0%	40.3%
No attorney, GAL or CASA	0.0%	28.6%	14.3%
Number of families with data	(116)	(14)	(77)
★ •Representation for mother (if mother is involved in case)			
Court-appointed	94.5%	66.7%	86.3%
Private	4.6%	25.0%	6.3%
Combination of private and court appointed	0.0%	8.3%	0.0%
No attorney	0.9%	0.0%	7.5%
Number of families with data	(109)	(12)	(80)
★ Maricopa UFC and comparison groups are statistically different at .05.			
★ Jackson UFC and comparison groups are statistically different at .05.			
• Deschutes UFC and Jackson comparison cases are statistically significant at .05.			

**Settlements, Continuances, and Hearings**

With a few exceptions in the most extreme cases of maltreatment, the court has 60 days from the time a child is removed from the home to enter findings that reasonable efforts were made to prevent the removal. Within 12 months of the removal, the court must enter findings of reasonable efforts to finalize the child's permanent placement. Stipulations and avoiding continuances can do a great deal to help the court meet these timelines. Stipulations on the petition will prevent a trial to determine whether the facts in the case warrant the intervention of the court to ensure permanency, safety, and well-being of the child. Stipulations at the disposition stage will prevent a trial to determine what services and actions must be completed by the family and service agencies in order for the court to terminate its jurisdiction in the case.

In addition to speeding case processing, stipulations have the added advantage of avoiding a trial that can damage the future worker-parent relationship by requiring the child protection case worker to present facts and witnesses, often including the children, to demonstrate the parents' inability to adequately care for their children.

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Finally, stipulations have the potential to engage parents in decision making and encourage a sense of ownership of, and compliance with, the case plan.

Table 6-2 presents some evidence that the UFC model, at least in Maricopa County, was effective in encouraging stipulations. Specifically, Maricopa County UFC families were significantly more likely than non-UFC families to result in parents stipulating on both adjudication and disposition. This was not true in Jackson County, where the files indicated stipulations on both issues were either uncommon or could not be ascertained from the court records. The Deschutes UFC families stipulated on the petition at a greater rate than did Jackson non-UFC families. However, given the lack of differences between UFC and non-UFC families within Deschutes, this may be a function of differences between case processing patterns in Deschutes and Jackson.

Continuances may also prevent the court from meeting statutory case processing time frames. In addition, continuances can extend the amount of time children spend in out-of-home care. A study by the Washington State Institute for Public Policy concluded that each continuance results in an additional 11.9 days of foster care. This study also reported an average of 2.7 continuances per case (Washington State Institute for Public Policy, 2004).

In the present study, there were no differences at any site in the number of continuances among UFC and non-UFC families. Cases averaged one or fewer continuances in Jackson and Deschutes, and two continuances among both UFC and non-UFC cases in Maricopa.

The number of hearings held per case may be an indicator of close judicial monitoring. However, because the UFC model also stresses out-of-court meetings and collaboration among the professionals serving the family, the number of hearings may not fully reflect the extent to which the family was monitored. The data in Table 6-2 indicate that in Jackson and Deschutes UFC cases averaged a slightly greater number of hearings relative to non-UFC Jackson cases. In Maricopa County, the two groups did not differ significantly in the number of hearings, although this might be a function of the small number of non-UFC cases in Maricopa County.

**Table 6-2. Selected Dependency Case Processing Outcomes for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
★•Percent stipulating on the petition (on any dependency case)	21.2%	0.0%	76.5%	2.3%	3.6%
★Percent stipulating on disposition (on any dependency case)	23.0%	0.0%	10.6%	9.3%	7.3%
Number of families with data	(118)	(15)	(85)	(86)	(110)

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**Table 6-2. Selected Dependency Case Processing Outcomes for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
Closed cases:					
Average continuances per case	2.0	2.4	1.3	0.6	0.7
Number of families with data	(52)	(5)	(6)	(10)	(20)
★•Average hearings per case	7.5	6.9	10.5	4.8	3.2
Number of families with data	(78)	(13)	(57)	(38)	(89)
★ Maricopa UFC and comparison groups are statistically different at .05.					
★ Jackson UFC and comparison groups are statistically different at .05.					
• Deschutes UFC and Jackson comparison cases are statistically significant at .05.					

**Services and Contradictory Orders**

Table 6-3 shows the services ordered in UFC and non-UFC dependency cases. The most striking difference is in the percentage of families with orders for drug testing and drug treatment. Comparing those families with references to drug problems in the case file shows that the UFC cases in Maricopa and Jackson are more likely to call for drug treatment than are non-UFC cases. The pattern, although not statistically significant, was for a greater percentage of Deschutes UFC families to have drug treatment ordered, compared to Jackson non-UFC families.

There are also significantly more UFC than non-UFC families in Jackson County with specific orders around supervised visitation. A number of differences between Deschutes UFC and Jackson non-UFC families (e.g., in the use of psychological evaluations, mental health services, parenting classes, and parent aides) may be attributable to differences in the use of such services across the two counties, rather than a UFC and non-UFC difference. This is likely given the lack of significant differences within Jackson County.

**Table 6-3. Selected Dependency Case Service Outcomes for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
Percent of families with orders on any dependency case for:	UFC	Comparison	UFC	UFC	Comparison
•Psychological/psychiatric evaluation	62.7%	46.7%	43.5%	33.7%	24.5%
•Mental health services for adults	39.8%	20.0%	44.7%	20.9%	17.3%
•Mental health services for children	31.4%	26.7%	35.3%	4.7%	4.5%
•Parenting classes	33.1%	13.3%	44.7%	29.1%	27.3%
•Parent aide	48.3%	33.3%	7.1%	1.2%	0.0%
Find stable housing	12.7%	6.7%	16.5%	16.3%	10.0%
Find stable employment	11.9%	6.7%	7.1%	2.3%	2.7%
★•Supervised visits with children	39.0%	20.0%	1.2%	44.2%	20.0%
Number of families with data	(118)	(15)	(85)	(86)	(110)

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**Table 6-3. Selected Dependency Case Service Outcomes for Comparison and UFC Families by Site**

	Maricopa County, Arizona	Deschutes County, Oregon	Jackson County, Oregon
■ Drug evaluation	10.3%	0.0%	42.9%
■★ Drug testing	69.2%	30.0%	47.6%
■★† Drug treatment	29.5%	0.0%	52.4%
Number of families with data	(78)	(10)	(21)

- Includes only those cases with a reference to drug issues in the case record.
- ★ Maricopa UFC and comparison groups are statistically different at .05.
- † Jackson UFC and comparison groups are statistically different at .05.
- Deschutes UFC and Jackson comparison cases are statistically significant at .05

Figure 6-1 shows that Maricopa County UFC families receive orders for a greater number of services relative to non-UFC families. The pattern, although not statistically significant, is also true at the other sites: UFC families generally receive orders for more services than do non-UFC families. This may indicate that the UFC is a more service-rich environment relative to traditional dependency court.

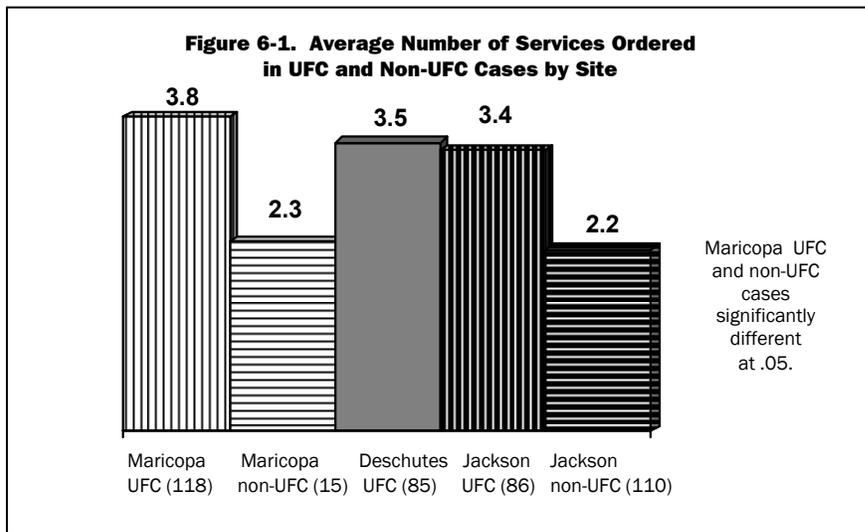


Table 6-4 shows that information about the family's compliance with the service plan was often missing from the court files. This is common in most dependency court records, and appears to be equally true for UFC records. On the more limited number of families with data, there were no significant differences in general compliance patterns between UFC and non-UFC families. In Maricopa County, just under a quarter of the services with outcome information were listed as not completed. This was true for just under 20 percent of the families in Deschutes County, and for 30 to 39 percent of the Jackson County non-UFC and UFC families.

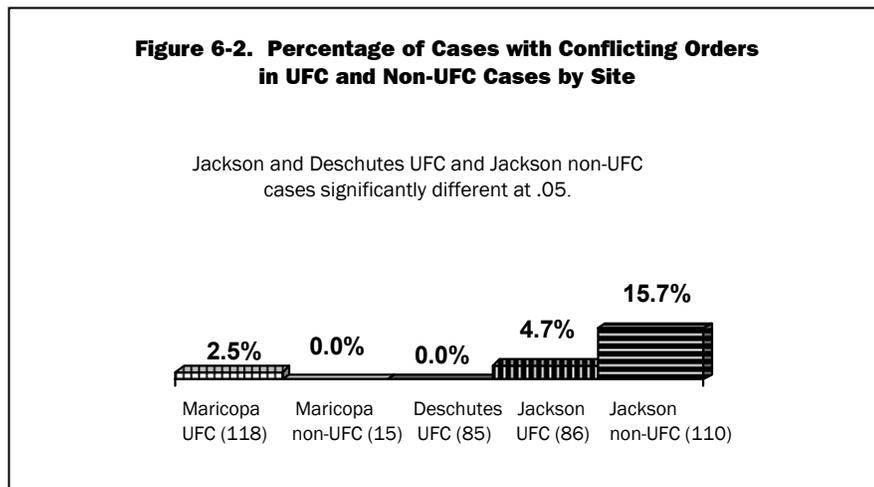
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**Table 6-4. Selected Dependency Case Service Status Outcomes for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Percent of the services ordered that lack information on compliance	26.2%	27.3%	32.1%	38.8%	42.1%
Number of families with data	(93)	(10)	(75)	(67)	(58)
Percent of ordered services that were not completed (closed cases only)	23.2%	22.0%	18.7%	38.8%	30.0%
Number of families with data	(75)	(8)	(41)	(20)	(15)

Finally, an attempt was made to assess the incidence of conflicting court orders. As the data collectors reviewed the files, they were asked to note the presence of any contradictory orders. The data collectors were all familiar with court records and skilled in reading them. Nevertheless, because this measure relied on data collectors to note problems, rather than simply to record information contained in the file, this is at best a rough estimate of the frequency with which contradictory orders are entered.

Figure 6-2 shows no differences in Maricopa County with respect to the percentage of UFC and non-UFC families with open dependency cases who show conflicts or contradictions among the orders in their cases. Conflicting orders were rare at this site for both groups. However, in Jackson County, the UFC families showed significantly fewer conflicting orders than the non-UFC families. Similarly, the Deschutes UFC families show fewer conflicting orders than the Jackson non-UFC families. These patterns suggest that reassigning all of the family’s cases to the same judge may help to reduce the incidence of conflicting orders, at least in smaller jurisdictions like Jackson and Deschutes.



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### **Placement**

The use of out-of-home placement, as well as the type of placement, length of placement, and number of placements, is shown in Table 6-5. There are few differences between UFC and non-UFC families in the percentage of cases involving a child who is placed out-of-home beyond an emergency removal during the investigation. Most Jackson and Deschutes families, both UFC and non-UFC, involve placements, as do most Maricopa UFC families. The small number of Maricopa non-UFC dependency cases makes the UFC and non-UFC comparison more problematic at this site, and the apparent differences between the groups might disappear with larger sample sizes. The overall lack of differences in the use of out-of-home care is not surprising. Not all child abuse and neglect cases lead to out-of-home placement, but the vast majority of abuse and neglect cases with dependency filings do involve placement.

There were no significant differences between UFC and non-UFC families in the average number of placements. In part, this may be because both the UFC and non-UFC courts at the three sites appear to be doing a good job of limiting the number of different placements a child experiences. Even including the emergency placement (if one took place), the children generally average only about two different placements.

There are few differences between UFC and non-UFC families with respect to the types of placements used. In part, this may be due to the fact that the law requires that relatives be given priority over other types of placements and that the child be placed in the least restrictive setting possible. Relatives provided care in 50 to nearly 90 percent of the cases with placement in Maricopa and Deschutes. Relative care was less common among both UFC and non-UFC families in Jackson. The reason for this cannot be determined given the data available.

Finally, there are few differences in the length of placement in UFC and non-UFC families. Nationally, children stay in foster care for an average of 33 months (U.S. Department of Health and Human Services, Administration for Children, 2003), although nearly 40 percent stay in care for less than a year. In Jackson and Maricopa counties, the average length of stay in care for children from UFC and non-UFC families averaged approximately 15 to 18 months. Children in Deschutes UFC families spent less time in care than did children from UFC or non-UFC families at the other sites, although we cannot be certain of the reason for this briefer stay in care.

**Table 6-5. Selected Dependency Placement Outcomes for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
★Any child placed (beyond shelter care)	72.9%	46.7%	82.9%	89.4%	94.4%
Number of families with data	(118)	(15)	(82)	(85)	(124)

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**Table 6-5. Selected Dependency Placement Outcomes for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
If placed, average placements (across all cases)	2.5	2.3	2.0	1.4	2.1
Number of families with data	(93)	(7)	(75)	(79)	(101)
Types of placements used (across all cases and all children)					
Previously noncustodial parent	15.1%	14.3%	8.8%	2.6%	1.7%
•Other relative	75.6%	85.7%	50.0%	19.7%	16.2%
Family friend	9.3%	0.0%	2.9%	1.3%	3.4%
†•Licensed non-family foster care	37.2%	28.6%	55.9%	89.5%	72.6%
•Residential program	8.1%	14.3%	1.5%	3.9%	8.5%
Detention	9.3%	0.0%	0.0%	0.0%	1.7%
Other	16.3%	28.6%	8.8%	7.9%	15.4%
Time in placement (excludes cases still open at data collection)					
•Average months in care	17.1	18.0	8.6	17.0	15.5
Number of families with data	(62)	(6)	(39)	(34)	(84)
<ul style="list-style-type: none"> <li>★ Maricopa UFC and comparison groups are statistically different at .05.</li> <li>† Jackson UFC and comparison groups are statistically different at .05.</li> <li>• Deschutes UFC and Jackson comparison cases are statistically significant at .05.</li> </ul>					

**Case Outcomes, Time Open, and Subsequent Filings**

Ultimately, before a dependency case can close, the judge must make a decision about where the child will live. Reunification of the parent(s) and child is the initial goal in all but the most extreme cases. However, over time, federal legislation has made achieving a permanent home for a child the primary goal, even if this requires the termination of parental rights and freeing the child for adoption. As a result, there are now strict time frames by which reunification must be accomplished or a termination of parental rights petition must be filed. Specifically, if a child has been continuously in care for 15 of the past 22 months, the child protection agency must file for the termination of parental rights.

Nationally, 55 percent of the children exiting foster care in fiscal year 2003 were reunified with their parents (Child Welfare Information Gateway, 2005). The analysis in Table 6-6 is by family rather than by child. However, at all three UFC sites, the percentage of families with closed child welfare cases that experienced reunification with at least one child is above 55 percent. Table 6-6 also shows significant differences in the rates of reunification for UFC and non-UFC families in both Maricopa and Jackson counties. In both sites, UFC families are more likely than non-UFC families to reunify. In Jackson County, UFC families are also less likely to result in a termination petition being filed. The Deschutes UFC and Jackson non-UFC families were not statistically different on rates of reunification or termination of parental rights. The Deschutes UFC families were more likely to have long-term care by a

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relative as the final goal relative to the non-UFC families in Jackson. However, the lack of a similar finding among Jackson County UFC families suggests that the Deschutes and Jackson differences may be due to differences between the two jurisdictions and the agency and court view of relative care.

**Table 6-6. Selected Dependency Case Outcomes for Closed Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Percent of families with at least one child with:					
★ † Reunification	57.9%	11.1%	66.7%	100.0%	69.4%
† Termination of parental rights	15.8%	44.4%	13.9%	2.9%	18.1%
• Long-term care by a relative	29.8%	33.3%	22.2%	0.0%	6.9%
Long-term non-relative foster care	1.8%	0.0%	2.8%	0.0%	5.6%
Independent living/emancipation	8.8%	11.1%	0.0%	0.0%	0.0%
Number of families with data	(57)	(9)	(36)	(34)	(72)

Totals may exceed 100% because of multiple closed cases for one family or different outcomes for children in the same family.

- ★ Maricopa UFC and comparison groups are statistically different at .05.
- † Jackson UFC and comparison groups are statistically different at .05.
- Deschutes UFC and Jackson comparison cases are statistically significant at .05.

Although Jackson and Maricopa show greater reunification among UFC versus non-UFC families, there is no evidence that the UFC cases remain open longer. Table 6-7 shows the average length of time the case remained open at the court. Cases that were still open at data collection are excluded from this analysis. In each of the groups, dependency cases remain open with the court for approximately 15 to 19 months. These figures are consistent with the legislatively mandated goal of establishing a permanent home for a child within 12 months and monitoring families following reunification.

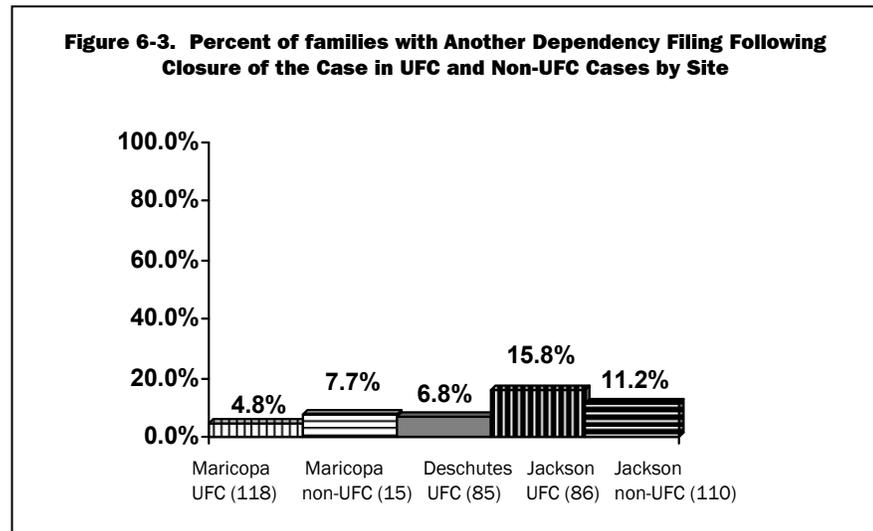
**Table 6-7. Length of Time Dependency Cases were Open at the Court for Closed Comparison and UFC Families with Children in Placement by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Average days open for cases closed at data collection	580.7	518.1	514.9	497.6	440.9
	(81)	(9)	(46)	(37)	(89)

Finally, Figure 6-3 shows the percentage of families that had another dependency filing following the closure of the initial case. There were no statistically significant differences between UFC and non-UFC families. In every group, subsequent filings were relatively rare. In Maricopa and Deschutes, less than 10 percent of the families

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involved another filing. In Jackson County, 16 percent of the UFC and 11 percent of the non-UFC families returned to court with another case.



**Summary**

As noted in Chapter 3, the outcome analysis in this report is, of necessity, more exploratory than definitive. Outcomes such as reunification or re-entry to foster care are complex and have been the subject of extensive research. These studies have documented that the outcomes are influenced by a number of factors, such as the age of the child or the family’s history in the legal system, that cannot be considered without larger sample sizes and strong comparison groups.

Given these caveats, the exploratory analysis of dependency outcomes suggests that, at least in some sites, UFC approaches may lessen the need for trials, at least at the filing of the petition. If this is true, it has the potential to help the court meet the tight time frames that federal and state legislation impose on dependency cases, and also might help families and caseworkers avoid the animosity that often accompanies a trial.

While UFC and non-UFC families do not differ with respect to continuances, there is some evidence that UFC families receive closer judicial monitoring, as evidenced by more hearings. Thus, UFCs might facilitate judicial oversight and involvement without any concurrent delays in case processing. There is no evidence that the increased hearings translated into better compliance with the treatment plan. However, this result must be viewed with caution since the court files in both UFC and non-UFC cases often lacked compliance information. On the other hand, compliance for the UFC families might have been expected to look worse relative to non-UFC families given that they were significantly more likely to involve drug treatment. Drug treatment frequently involves relapses and clearly is more demanding of parents than the simple completion of parenting classes or regular visits with children. The greater

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incidence of drug treatment for UFC versus non-UFC families suggests that the UFC model may result in families receiving more services that are typically in short supply. Finally, with respect to court-ordered services, there is evidence in at least one site that the UFC families received fewer conflicting orders than did their non-UFC counterparts.

There were few differences between UFC and non-UFC families in the use, length, or type of out-of-home placements. Differences that do exist may reflect differences between the practices, policies, and resources in the counties (in the case of Deschutes UFC and Jackson non-UFC comparisons) or might be expected to change with larger sample sizes, especially in the case of Maricopa County.

Finally, this exploratory analysis suggests that the UFC model may result in a greater percentage of reunifications than are seen in non-UFC cases. This is encouraging and worth further exploration since it is not accompanied by an increase in the length of time the court case remains open or in the number the subsequent filings (indicating further abuse) following case closure.

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## **Integrated Approaches** to manage multi-case families in the justice system

# **Chapter 7**

## **Outcomes in Delinquency Cases**

### **Research Questions**

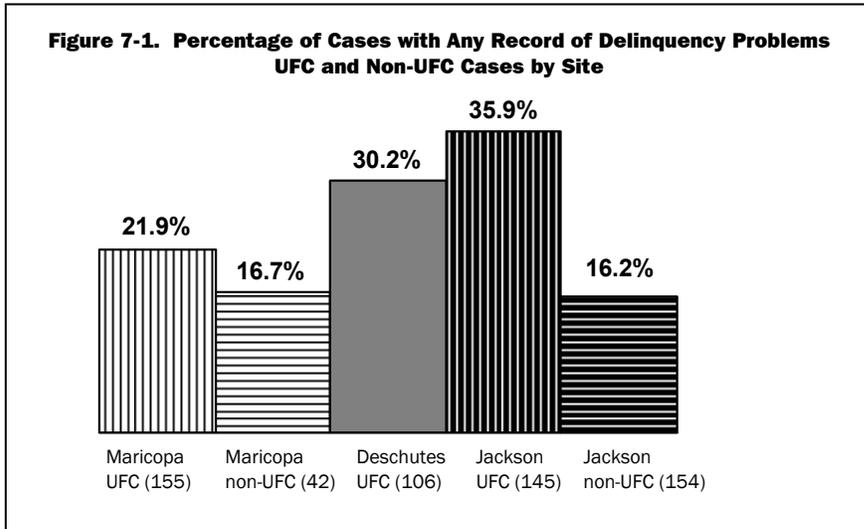
This chapter describes the delinquency cases of the UFC and comparison groups and addresses the following research questions:

- Does the UFC approach, with its emphasis on communication, collaboration, and treatment, result in more pleas being entered and fewer trials relative to the non-UFC approach?
- Does more intensive judicial involvement in UFC versus traditional courts result in a greater number of hearings per case?
- Does more intensive judicial involvement in UFC versus traditional courts result in cases being processed more slowly or more continuances?
- Do adjudication outcomes differ for delinquency cases processed through UFC and traditional methods?
- Are there differences in the number or types of court orders entered for UFC and non-UFC cases?
- Do UFC versus traditional court cases vary in their compliance with the service plan that is ordered?
- Does the UFC approach versus the traditional approach result in fewer contradictory orders being entered?
- Do UFC cases remain open longer than delinquency cases handled through traditional court proceedings?
- Do UFC cases and traditional cases differ with respect to the rate of subsequent filings?

### **Overview of the Delinquency Cases**

Families with delinquency cases were fairly common at all of the sites. Figure 7-1 shows that 16 to 36 percent of the families had a current delinquency action, prior delinquency action, and/or reference in the court file to a delinquency history. However, only Jackson UFC families were likely to have been referred to the UFC due to delinquency court action. In Deschutes and Maricopa, only about 10 percent of the families were referred to or flagged for UFC consideration following a delinquency filing.

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Although delinquency problems were relatively common, the absolute number of families with delinquency actions is small, especially in the Maricopa non-UFC sample, as well as in the Deschutes UFC sample. As a result, differences among UFC and non-UFC families will be difficult to detect and the results provided in this chapter should be viewed as exploratory in nature.

Table 7-1 provides a profile of the delinquency cases. Overall, most cases involve families with only a single child with a delinquency filing. Nationally, only about a quarter of the delinquency cases referred to the juvenile court involve girls (National Center for Juvenile Justice, 2005). In this study, the child named in the delinquency petition is typically male in Deschutes County, but almost equally divided between males and females in the other locations. Typically, the child named in the petition was living with a single mother prior to the filing, although in Maricopa County, a significant number of children were living with relatives. The Maricopa cases were also likely to involve a prior delinquency filing. This was also common in both Deschutes and Jackson UFC cases, although the Jackson non-UFC cases were all first-time filings.

Children who are the subject of delinquency filings have the right to legal representation. In both Maricopa and Deschutes counties, most children were represented in the delinquency case by a court-appointed attorney. This was also true for non-UFC cases in Jackson County, while UFC cases typically did not involve legal representation for the child. Other studies have found that adolescents frequently are not represented by legal counsel, often due to the adolescent waiving his or her right to counsel (Jones, 2004). In the present study, the lack of representation in Jackson UFC cases may also reflect the fact that families who voluntarily elect to participate in the UFC waive their right to continued legal counsel (see Chapter 2).

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**Table 7-1. Selected Factors Related to the Delinquency Filing for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Number with open delinquency	33	7	15	44	24
Average number of children with delinquency actions	1.0	1.0	1.0	1.0	1.1
•Gender of child					
Male	53.1%	57.1%	80.0%	62.8%	41.7%
Female	43.8%	42.9%	13.3%	30.2%	54.2%
Both males and females	3.1%	0.0%	6.7%	7.0%	4.2%
Number of families with data	(33)	(7)	(16)	(43)	(24)
Where child lived at petition filing					
★ Mother and father	6.3%	42.9%	25.0%	26.5%	20.8%
Mother	37.5%	57.1%	31.3%	61.2%	50.0%
Father	21.9%	28.6%	31.3%	16.3%	8.3%
Mother and stepfather	9.4%	0.0%	18.8%	0.0%	0.0%
Other relative	15.6%	14.3%	12.5%	4.1%	0.0%
Foster care	3.1%	0.0%	6.3%	0.0%	4.2%
Juvenile program	3.1%	14.3%	0.0%	0.0%	8.3%
Other	3.1%	0.0%	0.0%	0.0%	16.7%
Number of families with data	(33)	(7)	(16)	(43)	(24)
†•Previous delinquency filings					
Yes	21.2%	0.0%	46.7%	43.2%	8.3%
No	78.8%	100.0%	53.3%	56.8%	91.7%
Number of families with data	(33)	(7)	(15)	(44)	(24)
Representation for child					
† •Court-appointed attorney	75.8%	100.0%	100%	43.2%	41.7%
Private attorney	12.1%	0.0%	0.0%	0.0%	0.0%
Non-attorney GAL or CASA	12.1%	0.0%	0.0%	0.0%	0.0%
† •No GAL, attorney, or CASA	6.1%	14.3%	0.0%	65.9%	16.7%
Number of families with data	(33)	(7)	(15)	(44)	(13)
★ Maricopa UFC and comparison groups are statistically different at .05.					
† Jackson UFC and comparison groups are statistically different at .05.					
• Deschutes UFC and Jackson comparison cases are statistically significant at .05.					

**Settlements, Continuances, and Hearings**

Nationally, about two-thirds of arrested youths are referred to the juvenile court (Snyder and Sickmund, 2006). Delinquency cases that are referred to the juvenile court for prosecution will begin either with a detention hearing, if the adolescent has been placed, or with the arraignment hearing. The detention hearing must occur very quickly following the placement of the adolescent so that a judge may determine the need for continued placement. As a result, in the present study the detention hearing may well have taken place prior to the UFC referral. There are no statistically

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significant differences between UFC and non-UFC families with respect to either the percent resulting in a detention hearing or the outcomes of the detention hearing.

The arraignment is held within a few days of the juvenile court referral, and it is at this point that the adolescent will enter a plea of guilty, not guilty, or no contest. Only one site, Jackson County, showed a significant difference in the percentage of UFC and non-UFC delinquency cases that were settled through a plea rather than trial. In Jackson County, nearly 90 percent of the UFC cases compared to approximately 60 percent of the non-UFC cases were resolved through a plea.

There are no statistically significant differences between UFC and non-UFC families in the outcome of the delinquency adjudication. More precisely, if there are differences, they cannot be discerned given the very few non-UFC delinquency cases in the Maricopa sample and the small number in the Deschutes UFC sample. Nationally, approximately two-thirds of the delinquency cases referred to the juvenile court result in an adjudication of delinquency (Snyder and Sickmund, 2006; Stahl, *et al.*, 2005). In the present study, approximately three-quarters of the families in Maricopa and Jackson had at least one child adjudicated as a delinquent. This was true for all of the 13 Deschutes families.

Nationally, approximately a quarter of the adolescents who are adjudicated delinquent are placed out of home, either in a youth correctional facility, a residential group home, or a foster home. In Jackson County, approximately 20 percent of the UFC and non-UFC families involve an out-of-home placement. In Maricopa County, the UFC and non-UFC percentages in placement are 37 and 29 percent, respectively. Deschutes has the greatest number of placements, at 62.5 percent. While the Deschutes UFC families are significantly different from the Jackson non-UFC families, the similarity of UFC and non-UFC families within Jackson County suggests that this is more likely to be a difference between the courts and agencies in the two counties than a difference between UFC and non-UFC families.

Finally, there were no significant differences between UFC and non-UFC families in the average number of hearings per delinquency case. The average number of hearings per case ranged from a low of 3.6 among Maricopa non-UFC families to a high of 8.1 for Jackson County UFC families.

**Table 7-2. Selected Delinquency Case Processing Outcomes for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Percent with a detention hearing	78.8%	71.4%	66.7%	61.4%	58.3%
Number of families with data	(33)	(7)	(15)	(44)	(24)
Detention hearings resulted in placement	76.9%	40.0%	80.0%	70.4%	78.6%
Number of families with data	(26)	(5)	(10)	(27)	(14)

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**Table 7-2. Selected Delinquency Case Processing Outcomes for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
† Percent entering a no-contest or guilty plea on the petition (on any dependency case)	72.7%	85.7%	60.0%	90.9%	62.5%
Number of families with data	(33)	(7)	(15)	(44)	(24)
Percentage of families stipulating	58.1%	42.9%	0.0%	5.9%	25.0%
Number of families with data	(31)	(7)	(13)	(32)	(8)
Outcome of the adjudication					
Found guilty or stipulated	77.4%	71.4%	100.0%	93.8%	75.0%
Found not guilty	0.0%	0.0%	0.0%	8.8%	12.5%
Other	25.8%	42.9%	92.3%	6.3%	75.0%
Number of families with data	(31)	(7)	(13)	(32)	(8)
• Following adjudication was adolescent placed out-of-home					
Yes	72.7%	42.9%	66.7%	36.4%	25.0%
Number of families with data	(33)	(7)	(15)	(44)	(24)
Closed cases:					
Average number of hearings per case	6.7	3.6	6.4	8.1	5.6
Number of families with data	(31)	(7)	(13)	(44)	(22)
† Jackson UFC and comparison groups are statistically different at .05.					

**Additional Orders and Contradictory Orders**

Table 7-3 shows the orders, other than placement orders, entered in the delinquency cases. There are no significant differences between UFC and non-UFC families in the types of orders, although the small sample sizes may mask differences. There are differences in the types of orders entered across the sites that may reflect site specific differences in legal culture and practice or differences in record keeping.

As noted above, an attempt was made to assess the incidence of conflicting court orders by having the data collectors note the presence of any contradictory orders. As with the dependency data, the measure of conflicting orders is at best a rough estimate of the frequency with which contradictory orders are entered because it relies on data collectors to note problems, rather than simply to record information contained in the file. As was the case with dependency orders, Jackson County UFC families showed significantly fewer conflicting orders than did non-UFC families.

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**Table 7-3. Orders and Contradictory Orders for Comparison and UFC Families with Delinquency Filings by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Conditions and orders:					
Psychological evaluation	3.0%	28.6%	73.3%	93.2%	91.7%
Substance abuse evaluation	24.2%	28.6%	46.7%	43.2%	87.5%
Drug testing	12.1%	14.3%	80.0%	45.5%	75.0%
Drug treatment	22.9%	28.6%	62.5%	36.7%	79.2%
Counseling for adults in home	30.3%	42.9%	80.0%	93.2%	91.7%
Counseling for adolescent	12.1%	28.6%	80.0%	40.9%	58.3%
Restitution	9.1%	28.6%	66.7%	95.5%	62.5%
Community service	12.1%	14.3%	53.3%	34.1%	54.2%
Apology to victim	24.2%	28.6%	86.7%	100.0%	83.3%
Number of families with data	(33)	(7)	(15)	(44)	(24)
†Percent of families with evidence of contradictory orders					
	3.0%	0.0%	0.0%	2.3%	25.0%
Number of families with data	(33)	(7)	(15)	(44)	(24)
• Deschutes UFC and Jackson comparison families are statistically significant at .05.					
† Jackson UFC and comparison groups are statistically different at .05.					

**Compliance, Time Open at Court, and Subsequent Filings**

Nationally, about 60 percent of adolescents who are adjudicated delinquent are put on probation (Synder and Sickmund, 2006). In the present study, Deschutes UFC families are somewhat below the national average, while Maricopa and Jackson families, both UFC and non-UFC, are above the national average. Table 7-4 shows no significant differences between UFC and non-UFC courts in their use of probation in delinquency cases. The difference appears to be by jurisdiction rather than by court type. For example, Maricopa County families routinely receive probation, while the court in Deschutes made a more limited use of probation in this sample of families. The table also shows that adolescents in families with probation frequently violate one or more conditions of probation, and UFC families are no less likely to show probation violations than are non-UFC families.

The table also shows no significant differences between UFC and non-UFC families in the length of time the case remained open with the court. However, the small number of families precludes any final conclusions about how the UFC affects case processing speed. Finally, the table shows no evidence that UFC families are less likely to return to court on subsequent delinquency actions. The high rate of return among Maricopa non-UFC families is not significant and may simply be due to the very small number of families upon which it is based.

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**Table 7-4. Probation Violations and Subsequent Delinquency Filings for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Percent with probation ordered	87.9%	100%	46.7%	61.4%	70.8%
Number of families with data	(33)	(7)	(15)	(49)	(24)
If probation was ordered, percent with a probation violation	84.0%	57.1%	100.0%	74.1%	75.0%
Number of families with data	(25)	(7)	(5)	(27)	(16)
Average months open (closed cases only)	17.5	10.1	14.6	17.6	16.3
Number of families with data	(22)	(7)	(12)	(20)	(16)
Percent with a subsequent delinquency filing after case closed	39.1%	71.4%	7.7%	20.0%	7.1%
Number of families with data	(23)	(7)	(13)	(15)	(14)

**Summary**

The comparison of delinquency case processing and outcomes among UFC and non-UFC families is necessarily limited due to the small number of families with open delinquency cases. There are only seven non-UFC families with delinquency filings in Maricopa, and the high is 44 families with delinquency action in the Jackson UFC sample.

There are no differences between UFC and non-UFC families in either the percentage requiring a detention hearing to deal with an adolescent removed from the home or in the percentage of detention hearings resulting in continued placement. Adjudication patterns are also quite similar for UFC and non-UFC families. Nationally, about two-thirds of the cases referred to juvenile court result in an adjudication of delinquency. The figures for UFC and non-UFC families in this study are generally a little higher, at three-quarters or more. Nationally, among adjudicated adolescents, about a quarter are placed outside the home. The figures are quite comparable in Jackson and Maricopa for both UFC and non-UFC families. Although the reason is not clear, Deschutes UFC cases were far more likely to result in a placement relative to the national patterns.

The study also shows no significant differences between UFC and non-UFC families with respect to the number of hearings required, the length of time the case is open at court, the adolescent's compliance with probation, and the percentage of cases with subsequent delinquency actions. As was true for dependency cases, there is some evidence that Jackson UFC families receive fewer contradictory orders compared to non-UFC families.

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## **Integrated Approaches** to manage multi-case families in the justice system

### **Chapter 8**

## **Outcomes in Domestic Relations and Civil Protection Order Cases**

This chapter considers domestic relations cases, including civil protection orders. The chapter begins with filings related to divorce, paternity, custody and visitation, and child support. Civil protection orders are considered separately in the second portion of the chapter.

### **Research Questions**

This chapter describes the delinquency cases of the UFC and comparison groups and addresses the following research questions:

- Does more intensive judicial involvement in UFC versus traditional courts result in a greater number of hearings per case?
- Does more intensive judicial involvement in UFC versus traditional courts result in cases being processed more slowly or more continuances?
- Do unified family courts make greater use of mediation relative to non-UFC courts?
- Do families served through a UFC versus traditional court receive more orders for services, such as psychological evaluations or custody studies?
- Do UFC versus traditional court cases receive more restrictive orders, such as orders specifying supervised visits?
- Does the UFC approach versus the traditional approach result in fewer contradictory orders being entered?

### **Overview of the Domestic Relations Cases**

Only in Maricopa County did domestic relations cases frequently trigger a UFC referral or flag, perhaps because this site did not allow as wide a variety of cases, such as criminal cases, to serve as a trigger for a referral. However, at all three sites, domestic relations cases were among the cases most frequently seen by the UFC. Between approximately 30 and 90 percent of the UFC families at each site had an open domestic relations case during their time in the UFC. The high percentage of families with domestic relations cases is expected given national figures on domestic relations filings. The National Center for State Courts (2006) reports that in 2003, over 5.5 million domestic relations cases were filed in the United States.

Families with domestic relations cases in both the UFC and non-UFC courts typically had one or two children, and these children were typically living with their mother at the time of the domestic relations filing. However, relative to the general population, it appears that a disproportionate number of families, ranging from 5 to 22 percent, had children living with relatives other than parents.

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**Table 8-1. Number and Residence of Children in Domestic Relations Cases for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Percent of UFC families with a domestic relations filing	91.0%	97.6%	40.6%	29.0%	37.7
Number of families with data	(155)	(42)	(106)	(145)	(154)
Average number of children in domestic relations case	1.7	1.6	1.7	1.8	1.4
Number of families with data	(145)	(41)	(43)	(47)	(67)
Where children lived at filing					
Mother and father	13.6%	10.5%	20.0%	6.7%	9.8%
Mother only	49.3%	68.4%	40.0%	31.1%	41.0%
Father only	10.0%	7.9%	12.5%	15.6%	11.5%
Other relative	22.1%	13.2%	15.0%	15.6%	4.9%
Family friend	1.4%	0.0%	2.5%	4.4%	0.0%
Foster care	3.6%	0.0%	10.0%	26.7%	32.8%
Number of families with data	(140)	(38)	(40)	(45)	(61)

There is limited data available on a national level regarding the nature of filings before the domestic relations court. Data from 26 general jurisdiction courts found that 35 percent of the domestic relations filings were for divorce, and another 22 percent were related to child support (NCSC, 2006). In the present study, many cases have multiple issues before the court. The issues for UFC and non-UFC families in Maricopa County included parenting time (also known as custody and visitation), child support, and, among non-UFC cases, dissolution of marriage. In Deschutes, the case typically involved the dissolution of marriage, and in Jackson County, the common issues before the court in both UFC and non-UFC families were child support and dissolution of marriage.

**Table 8-2. Domestic Relations Issues for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
• Paternity establishment	42.8%	31.7%	0.0%	6.4%	11.9%
★ Parenting time (custody)	54.5%	80.5%	25.6%	14.9%	19.4%
★• Child support	57.2%	90.2%	2.3%	59.6%	53.7%
★ † Dissolution of marriage	38.6%	58.5%	53.5%	57.4%	37.3%
†• Guardianship	11.7%	7.3%	18.6%	12.8%	3.0%
Other	10.3%	2.4%	7.0%	0.0%	0.0%
Number of families with data	(145)	(41)	(43)	(47)	(67)

Totals may exceed 100% because of multiple issues for the same family.

- ★ Maricopa UFC and comparison groups are statistically different at .05.
- † Jackson UFC and comparison groups are statistically different at .05.
- Deschutes UFC and Jackson comparison cases are statistically significant at .05.

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In all three counties, and among both UFC and non-UFC cases, relatively few families were entirely without legal counsel. However, only in Jackson County do a majority of the cases involve two parents with representation. Representation for children was fairly common among UFC cases in Maricopa County, but relatively rare among non-UFC cases and in all cases in Deschutes and Jackson counties.

**Table 8-3. Attorney Representation in the Domestic Relations Cases for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Legal representation for parents					
Both parents have representation	45.6%	47.5%	44.7%	61.0%	69.0%
Neither parent has representation	20.6%	22.5%	28.9%	22.0%	17.2%
One parent has representation	33.8%	30.0%	26.3%	17.1%	13.8%
Number of families with data	(136)	(40)	(38)	(41)	(58)
★ Legal representation for children					
Court-appointed attorney or attorney GAL	42.2%	17.9%	3.6%	7.7%	0.0%
No attorney, but non-attorney representative	1.5%	0.0%	0.0%	5.1%	9.5%
No representation	56.3%	82.1%	96.4%	87.2%	90.5%
Number of families with data	(135)	(39)	(39)	(39)	(42)
★ Maricopa UFC and comparison groups are statistically different at .05.					

**Settlements, Continuances, and Hearings**

Domestic relations case processing patterns are shown in Table 8-4. The UFC and non-UFC cases are similar on the average number of hearings (averaging from 2.4 to 6.6) and continuances (ranging from 1.9 to 2.9) experienced in their domestic relations cases.

Differences in the use of mediation and settlement conferences appear to be related to the site, rather than UFC or non-UFC status. Maricopa cases show the greatest use of mediation and settlement conferences, and the differences between UFC and non-UFC families in this site are not statistically significant. Although Deschutes UFC cases show less use of mediation than do Jackson non-UFC cases, this also appears to be a difference between the two counties, rather than between UFC and non-UFC cases.

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**Table 8-4. Selected Domestic Relations Case Processing Outcomes for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
•Percent participating in mediation	30.1%	17.1%	3.2%	15.0%	14.3%
★Orders for settlement conference	36.9%	22.0%	7.0%	2.4%	1.7%
Number of families with data	(136)	(41)	(31)	(40)	(56)
Closed cases:					
Average continuances per case	2.1	1.9	unavailable	2.9	2.3
Number of families with data	(69)	(16)	(0)	(16)	(11)
Average number of hearings per case	5.9	5.4	6.6	2.4	2.0
Number of families with data	(125)	(37)	(32)	(41)	(30)
★ Maricopa UFC and comparison groups are statistically different at .05.					
✦ Jackson UFC and comparison groups are statistically different at .05.					
• Deschutes UFC and Jackson comparison cases are statistically significant at .05.					

**Domestic Relations Outcomes**

The orders entered for UFC and non-UFC families are shown in Table 8-5. As was the case with settlement conferences and mediation, differences in the use of psychological evaluations, drug evaluations, drug testing, and parent education programs for separating parents appear to be site specific rather than related to UFC status. Maricopa County makes greater use of these services in both UFC and non-UFC families than do Deschutes or Jackson.

Table 8-5 also shows the percentage of cases with evidence of contradictory orders. As has been noted above, this is based on an assessment made by the data collectors and is at best an approximation. As was the case with dependency and delinquency cases, the UFC cases in Jackson show less evidence of contradictory orders than do the non-UFC cases. However, the differences are not statistically significant.

**Table 8-5. Orders in Domestic Relations Cases for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Percent with orders for					
Psychological/psychiatric evaluation	34.8%	22.0%	7.0%	2.4%	1.7%
★Drug abuse evaluation	36.9%	22.0%	7.0%	2.4%	1.7%
★Drug testing	36.9%	19.5%	7.0%	2.4%	1.7%
★✦Parent education program	34.0%	19.5%	25.6%	4.8%	17.2%
Custody study	32.6%	19.5%	7.0%	2.4%	1.7%
Number of families with data	(141)	(41)	(43)	(42)	(58)

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**Table 8-5. Orders in Domestic Relations Cases for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
Percent of cases with evidence of contradictory orders	2.8%	0.0%	0.0%	7.1%	18.5%
	(141)	(41)	(40)	(42)	(54)

★ Maricopa UFC and comparison groups are statistically different at .05.  
 † Jackson UFC and comparison groups are statistically different at .05.  
 • Deschutes UFC and Jackson comparison cases are statistically significant at .05.

Table 8-6 shows little difference between UFC and non-UFC cases with respect to the amount of time the domestic relations case remains open, the percentage of cases with restricted contact between a parent and child, or the number and nature of subsequent filings. At each site, a relatively small percentage of the domestic relations filings were ultimately dismissed. This can happen for a number of reasons, including the failure of the petitioner (or petitioner’s counsel) to attend hearings and pursue the case. The vast majority of the UFC and non-UFC cases at each site resulted in final orders being entered by the court.

A significant percentage of UFC and non-UFC cases at each site placed restrictions on parent-child access. Such restrictions are not common in domestic relations proceedings, and the high percentage of them in this study is no doubt a reflection of the troubled nature of multi-case families.

Maricopa County cases were open significantly longer than either Deschutes or Jackson County cases. However, there was no difference in the amount of time Maricopa County UFC and non-UFC cases were open. The only statistically significant difference between UFC and non-UFC cases is found in Jackson County, where the UFC cases were more likely than non-UFC cases to involve subsequent filings (52.5% versus 30.4%). While no figures exist on the likelihood of subsequent domestic relations filings, there is reason to believe that returns to court are relatively common. The National Center for State Courts (2006) reports that in 2003 reopened cases made up approximately 40 percent of all domestic relations case filings.

**Table 8-6. Domestic Relations and Civil Protection Order Case Outcomes for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Final case outcome					
Case dismissed	10.8%	17.1%	5.0%	4.8%	5.2%
Final orders entered	82.7%	82.9%	85.0%	92.9%	91.4%
Case pending at data collection	6.5%	0.0%	10.0%	2.4%	3.4%
Number of families with data	(139)	(41)	(40)	(42)	(58)

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**Table 8-6. Domestic Relations and Civil Protection Order Case Outcomes for Comparison and UFC Families by Site**

	<b>Maricopa County, Arizona</b>	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>		
If final orders were entered					
Average months from first to last hearing	46.5	41.9	17.0	17.6	13.0
Number of families with data	(130)	(40)	(21)	(38)	(29)
If final orders were entered, percent with restrictions placed on visits					
	34.8%	26.5%	32.4%	51.3%	47.2%
Number of families with data	(115)	(34)	34	(39)	(53)
† Percent with subsequent filings	63.2%	61.0%	24.3%	52.5%	30.4%
Number of families with data	(136)	(41)	(37)	(40)	(46)
If there were subsequent filings, percent with filings related to:					
Child support	27.4%	30.4%	11.1%	77.3%	50.0%
Access and visitation problems	23.8%	30.4%	66.7%	36.4%	31.3%
Other	70.2%	69.6%	33.3%	9.1%	25.0%
Number of families with data	(84)	(23)	(9)	(22)	(16)
† Jackson UFC and comparison groups are statistically different at .05.					

**Overview of the Civil Protection Order Cases**

Statistics from the National Center for State Courts Statistics Project (2006) show that in 2003, 16 percent of the domestic relations filings in general jurisdiction courts were for protection orders. This represents an increase of approximately 35 percent over the protection order filings in 1994.

Table 8-7 shows a few key characteristics of those families at court with a civil protection order filing. As the table shows, there is considerable overlap between these families and the families with other domestic relations filings. At each site, over half of the families with protection order cases also had another type of domestic relations case open.

In Maricopa County, the non-UFC families were significantly more likely to include a civil protection than were the UFC families. However, the reason for the differences in civil protection order filings is not clear. At the Oregon sites, there were no significant differences between UFC families and non-UFC families.

There were no significant differences at any site between UFC families and non-UFC families with respect to the average number of protection order filings, the percentage of protection order cases that involved married versus unmarried partner, or the percentage with filings made against the mother and those made against the father.

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**Table 8-7. Overview Civil Protection Order Cases for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
★ Percent of cases with a civil protection order filing	11.8%	31.0%	20.8%	12.4%	17.2%
	(155)	(42)	(106)	(145)	(154)
Percent of civil protection order cases who also had a domestic relations case open	90.0%	100.0%	50.0%	55.6%	62.5%
Number of families with data	(10)	(13)	(21)	(12)	(32)
Average number of protection order filings	2.1	2.5	1.1	1.0	1.3
Number of families with data	(10)	(13)	(21)	(12)	(32)
Percent of cases with a protection order involving					
Married couple	66.7%	75.0%	47.6%	37.5%	34.4%
Unmarried couple	44.4%	33.3%	57.1%	62.5%	65.6%
Number of families with data	(9)	(12)	(21)	(8)	(32)
Percent with a filing against					
Child's father/stepfather	55.6%	84.6%	81.0%	47.1%	70.7%
Child's mother/stepmother	61.1%	53.8%	14.3%	23.5%	4.9%
Number of families with data	(18)	(13)	(21)	(17)	(41)
Totals may exceed 100% because of multiple protection orders for the same family.					
★ Maricopa UFC and comparison groups are statistically different at .05.					

Civil protection cases may begin with a hearing or with an emergency *ex parte* order being issued, followed by a hearing. Table 8-8 shows no differences in the percentage of UFC and non-UFC families with only a single hearing and those with more than one. There were some site differences, however, with Jackson County cases showing the least likelihood of multiple hearings on the civil protection order.

**Table 8-8. Selected Civil Domestic Violence Case Processing Outcomes for Comparison and UFC Families by Site**

	Maricopa County, Arizona		Deschutes County, Oregon	Jackson County, Oregon	
	UFC	Comparison	UFC	UFC	Comparison
Closed cases					
Percent of cases with more than one hearing	38.5%	50.0%	33.3%	13.9%	7.4%
Number of families with data	(10)	(13)	(22)	(16)	(32)
• Deschutes UFC and Jackson comparison cases are statistically significant at .05.					

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### **Civil Protection Order Case Outcomes**

Table 8-9 presents the outcomes in the civil protection order cases. The small sample sizes make conclusions tentative, but there is no indication of systematic differences between UFC and non-UFC cases. In both groups of cases, the protection orders were routinely granted. There were some dismissals at each site, and given the small sample sizes, the differences are not statistically significant. Dismissals can occur if the petitioner fails to appear for a hearing or fails to make a case for the issuance of an order. In cases with civil protection orders granted, the UFC and non-UFC families also show equivalent instances of known order violations, ranging from 20 to 40 percent of the cases.

**Table 8-9 Civil Protection Order Outcomes for Comparison and UFC Families by Site**

	<b>Maricopa County, Arizona</b>		<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>	
	UFC	Comparison	UFC	UFC	Comparison
Case dismissed	50.0%	23.1%	13.6%	6.3%	0.0%
Protection order granted	70.0%	100.0%	90.9%	100.0%	100.0%
Number of families with data	(10)	(13)	(22)	(16)	(32)
Percent with known order violations	40.0%	38.5%	20.0%	30.0%	22.2%
Number of families with data	(10)	(13)	(20)	(10)	(27)

### **Summary**

Domestic relations cases are among those most frequently seen by unified family courts. Between 30 and 90 percent of the UFC families across the three courts had at least one domestic relations case open in the UFC. The nature of the open cases varied widely, including paternity establishment, parenting time (custody), child support, and divorce.

There were few differences between the UFC and non-UFC families with respect to the processing of domestic relations cases. There was no evidence that the two groups differed in the number of hearings held, continuances granted, or overall length of time open at the court. The use of alternative dispute resolution, specifically mediation and settlement conferences, seemed to vary by site, rather than UFC status. Relative to the other sites, Maricopa County made more widespread use of mediation for both UFC and non-UFC families.

The only differences between UFC and non-UFC families were observed in Jackson County. As was the case with dependency and delinquency cases, the UFC families appeared to be subject to fewer contradictory orders than were non-UFC families. At this site, there were also differences in the percentage of cases returning with subsequent domestic relations filings. The UFC families returned to court at a somewhat greater rate than did non-UFC families, and the subsequent filings were typically related to child support.

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Compared to domestic relations filings, both UFC and non-UFC families showed far fewer civil protection order filings. However, the majority of those families with protection order filings also had a domestic relations case open. In Maricopa County, the protection order filings typically involved married parties, while the Oregon cases, in both Deschutes and Jackson, typically involved unmarried couples. The small numbers of cases with protection order filings poses serious limitations on an analysis of outcomes in these cases for UFC and non-UFC cases. With the limited data available, no significant differences between the two groups are apparent at any site. UFC and non-UFC cases generally result in an order being granted, and in cases with civil protection orders granted, the UFC and non-UFC families showed equivalent instances of known order violations.

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## **Integrated Approaches** to manage multi-case families in the justice system

### **Chapter 9**

### **Outcomes in Criminal Cases**

#### **Research Questions**

This chapter describes the criminal cases of the UFC and comparison groups and addresses the following research questions:

- Does more intensive judicial involvement in UFC versus traditional courts result in a greater number of hearings per case?
- Does more intensive judicial involvement in UFC versus traditional courts result in cases being processed more slowly or more continuances?
- Does the UFC approach, with its emphasis on communication, collaboration, and treatment, result in more pleas being entered and fewer trials relative to the non-UFC approach?
- Do adjudication outcomes differ for criminal cases processed through UFC and traditional methods?
- Are there differences in the number or types of court orders entered for UFC and non-UFC cases?

The analysis of criminal cases is restricted to Deschutes and Jackson counties, which accept criminal filings into the unified family court. The analysis begins with intra-familial criminal cases, including intimate partner violence and criminal child abuse cases. Crimes not involving family members as victims are considered separately. Three cases in Deschutes County with criminal filings (one each in criminal child abuse, other misdemeanors, and other felonies) were not accepted into the UFC and are not included in the analyses presented below.

#### **Overview of the Family Violence Cases**

Table 9-1 shows the number and percentage of cases in Deschutes and Jackson counties that involve one or more filings related to family violence. Only two cases in Deschutes involved both intimate partner violence and criminal child abuse charges. In the remaining cases, the family was involved in either an intimate partner or child abuse case, but not both.

As the table indicates, in Maricopa and Jackson counties, criminal child abuse and intimate partner violence charges occurred in only a small percentage of families. In Deschutes County, a fairly large percentage of UFC cases had intimate partner violence charges. The small percentages of both criminal child abuse and domestic violence cases might seem surprising, given the figures suggesting that both forms of family violence are common. However, relatively few child abuse cases cross over from the dependency to the criminal court. Only the most serious charges, including a disproportionate number of sexual abuse charges, tend to involve criminal filings.

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Similarly, although intimate partner violence is common, there is evidence that relatively few cases proceed to prosecution. The National Violence Against Women Survey found that while 22 percent of women reported having been physically assaulted by an intimate partner, only about a quarter of the women said that they reported this abuse to the police and 7 percent reported that the perpetrator was prosecuted (Tjaden and Thoennes, 2000).

Given the small number of intimate partner and child abuse criminal charges in the present study, most of the outcome analyses will be conducted jointly for all cases experiencing criminal filings related to intimate partner violence or child abuse.

In both Deschutes and Jackson counties, the criminal domestic violence filings typically involve allegations against the father of a child in a UFC or UFC-eligible case, although allegations against mothers are not uncommon. The criminal child abuse cases are typically filings against the child's mother.

**Table 9-1. Criminal Cases Filed for Comparison and UFC Families by Site**

	<b>Deschutes County, Oregon</b>		<b>Jackson County, Oregon</b>	
	UFC	UFC	Comparison	
Total cases in sample	106	145	154	
Number and (percent) with:				
Criminal intimate partner violence filings	29 (27.4%)	6 (4.1%)	13 (8.4%)	
Criminal child abuse filings	12 (11.3%)	5 (3.4%)	5 (3.2%)	
No criminal intimate partner or child abuse cases	66 (66.2%)	134 (92.4%)	136 (88.3%)	
Criminal domestic violence cases				
If open, average number open	1.6	1.2	2.2	
Alleged victim-child relationship				
Mother	48.3%	50.0%	46.2%	
Father	13.8%	33.3%	30.8%	
Other	51.7%	16.7%	15.4%	
Alleged perpetrator-child relationship				
Mother	44.8%	33.3%	15.4%	
Father	41.4%	33.3%	46.2%	
Other	31.0%	0.0%	30.8%	
Number of families with data	(27)	(6)	(13)	
Criminal child abuse cases				
If open, average number open	1.2	1.0	1.0	
Alleged perpetrator-child relationship				
Mother	33.3%	80.0%	85.7%	
Father	22.2%	20.0%	0.0%	
Other relative	33.3%	0.0%	14.3%	
Other	11.1%	0.0%	0.0%	
Percent involving sexual abuse	60.0%	0.0%	0.0%	
Number of families with data	(10)	(6)	(70)	

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**Hearings and Continuances in Family Violence Cases**

Table 9-2 shows the differences between the number of criminal case hearings held in Deschutes and Jackson County UFC courts and the Jackson County non-UFC cases. Deschutes UFC families had significantly more hearings per case than did the Jackson non-UFC cases. Given the lack of significant differences between Jackson UFC and non-UFC families, the real difference may well be between Jackson and Deschutes counties, regardless of the UFC status of the family. In addition, there were no differences between the two groups with respect to the number of continuances per criminal case.

**Table 9-2. Selected Criminal Case Processing Outcomes for Comparison and UFC Families by Site (includes criminal domestic violence and criminal child abuse)**

	Deschutes County, Oregon		Jackson County, Oregon
	UFC	UFC	Comparison
•Average number of hearings per family criminal case	9.7	3.4	3.9
Average number of continuances per family criminal case	0.31	0.27	0.33
Number of families with data	(36)	(11)	(18)
• Deschutes UFC and Jackson comparison cases are statistically significant at .05.			

**Family Violence Case Outcomes**

As noted above, the small number of criminal domestic violence and child abuse filings precludes a separate and thorough analysis of the outcomes related to each type of violence. Shown in Table 9-3 are the combined outcomes for the cases that involve family-related criminal violence. As the table demonstrates, there were no significant differences between UFC and non-UFC cases with respect to the overall number of pleas entered, the percent of cases resulting in dismissals, the percentage of cases proceeding to trial, or the outcome in cases proceeding to trial. In general most criminal family violence cases resulted in the defendant entering a guilty plea. Only about 10 percent of the cases or less in each group resulted in a trial, and most of these resulted in a not guilty verdict.

**Table 9-3. Family Violence Criminal Case Outcomes for Comparison and UFC Families by Site**

	Deschutes County, Oregon		Jackson County, Oregon
	UFC	UFC	Comparison
At least one criminal domestic violence and/or criminal child abuse case involving:			
Case dismissed	17.5%	18.2%	22.2%
Guilty plea entered	72.5%	72.7%	61.1%
Trial and conviction	2.5%	0.0%	0.0%
Trial with not guilty verdict	7.5%	0.0%	11.1%
Other	2.5%	0.0%	0.0%
Number of families with data	(40)	(11)	(18)

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Among those cases that resulted in guilty pleas or verdicts, there were some differences between UFC and non-UFC cases with respect to the orders that were entered. Most notably, UFC cases in both Deschutes and Jackson counties were more likely to result in orders for drug treatment than were non-UFC cases in Jackson County. The differences between UFC and non-UFC families in the orders for drug treatment continue to hold when the analysis is restricted to only those families with some indication of drug problems noted in their court file.

Other differences appear to be more related to the legal and service climate of a county, rather than UFC status. For example, the Deschutes UFC entered more orders for psychological evaluations and batterer treatment, but there is no comparable difference in the rate at which the Jackson UFC and non-UFC cases received these orders.

**Table 9-4. Orders Entered in Family Violence Criminal Cases for Comparison and UFC Families by Site**

	Deschutes County, Oregon		Jackson County, Oregon	
	UFC		UFC	Comparison
At least one criminal domestic violence and/or criminal child abuse case involving:				
• Orders for psychological evaluations	20.0%		9.1%	0.0%
• Orders for drug evaluation	42.5%		0.0%	11.0%
Orders for drug testing	12.5%		0.0%	0.0%
† • Orders for drug treatment	32.5%		27.3%	0.0%
• Order for violence treatment program	22.5%		9.1%	0.0%
Protection order (criminal or civil action)	32.5%		63.6%	55.6%
Probation	67.5%		54.5%	61.1%
Percent with more than one of the above	57.5%		72.7%	55.6%
Number of families with data	(40)		(11)	(18)
† Jackson UFC and comparison groups are statistically different at .05.				
• Deschutes UFC and Jackson comparison cases are statistically significant at .05.				

### **Overview of the Other Criminal Cases**

As Table 9-5 indicates, while family violence criminal cases were relatively rare, non-family violence misdemeanors and felonies were quite common. At least half of the UFC cases in both sites, as well as half of the non-UFC cases in Jackson County, involved at least one criminal case not related to partner violence or child abuse. Further, among those with open criminal cases, the average number of misdemeanor and/or felony filings ranged from 1.8 to 3.4 across the groups. Between approximately half and three-quarters of the families with criminal cases open had at least one open case related to drug possession or sales.

The party most likely to be the subject of a non-family violence criminal case is the mother of children in the other UFC cases (or UFC eligible cases). This is not

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surprising since many of the accompanying dependency and delinquency cases involved families headed by a single mother. However, fathers of children and other relatives, including grandparents and adult siblings of children in dependency and delinquency cases, were also frequently named in the criminal cases.

**Table 9-5. Criminal Cases Filed for Comparison and UFC Families by Site**

	Deschutes County, Oregon		Jackson County, Oregon
	UFC	UFC	Comparison
Total cases in sample	106	145	154
Number and (percent) with:			
Other misdemeanor filings	47.2% (50)	20.7% (30)	29.2% (45)
Other felony filings	53.8% (57)	39.3% (57)	33.8% (52)
Felony and/or misdemeanor filings	68.9% (73)	50.3% (73)	57.1% (88)
• If misdemeanors, average number	2.2 (50)	1.7 (26)	1.3 (44)
• If felonies, average number	2.0	1.5	1.7
Number of families with data	(58)	(56)	(49)
† Percent with a drug-related case	47.9% (73)	72.6% (73)	56.8% (88)
All non-family violence cases			
Percent with mothers named	66.7%	71.6%	74.1%
• Percent with fathers named	58.3%	23.0%	19.8%
† Percent with others named	43.1%	77.0%	33.3%
Number of families with data	(72)	(74)	(81)
If father is named, average cases against father	2.1 (48)	1.7 (17)	1.0 (16)
If mother is named, average cases against mother	2.1	1.5	1.2
Number of families with data	(42)	(53)	(60)

† Jackson UFC and comparison groups are statistically different at .05.  
• Deschutes UFC and Jackson comparison cases are statistically significant at .05.

**Settlements, Continuances, and Hearings in Other Criminal Cases**

Table 9-6 shows the differences between the number of criminal case hearings held in Deschutes and Jackson County UFC courts and the Jackson County non-UFC cases. In both counties, UFC cases had a significantly higher level of judicial oversight, as measured by the number of hearings, relative to non-UFC cases. There were no differences between the two groups with respect to the number of continuances per criminal case.

Nor does it appear that criminal cases handled by the UFC remained open longer than non-UFC cases. In Jackson County, the UFC criminal cases remained open, on average, 449 days, compared to 400 days for non-UFC cases. Although Deschutes UFC cases were open longer than Jackson non-UFC cases, the lack of differences within Jackson County suggests that this may be a difference between the counties rather than a UFC and non-UFC difference.

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**Table 9-6. Selected Criminal Case Processing Outcomes for Comparison and UFC Families by Site (includes non-family violence misdemeanors and felonies)**

	Deschutes County, Oregon	Jackson County, Oregon	
	UFC	UFC	Comparison
†•Average number of hearings across all criminal cases	21.7	11.7	7.2
†•Average number of hearings per criminal case	6.6	7.9	4.1
Average number of continuances per criminal case	0.2	0.4	0.5
Number of families with data	(73)	(73)	(88)
•If case closed, average days case was open	632.7	449.3	400.5
Number of families with data	(51)	(67)	(69)

† Jackson UFC and comparison groups are statistically different at .05.  
 • Deschutes UFC and Jackson comparison cases are statistically significant at .05.

**Other Criminal Case Outcomes**

Table 9-7 provides information on ultimate case outcome(s) in non-family violence criminal cases. The key difference between UFC and non-UFC cases is the percentage of cases that are resolved through the entry of a guilty plea. Although the majority of all criminal cases are resolved through a guilty plea, the percentage of such pleas is significantly higher among UFC cases. No other differences in case outcome are statistically significant. The resolution of cases through pleas, rather than trial, is in keeping with the UFC emphasis on non-adversarial dispute resolution, and is likely the result of the defendant being offered services not readily available in non-UFC cases.

**Table 9-7. Non-Family Violence Criminal Case Outcomes for Comparison and UFC Families by Site**

	Deschutes County, Oregon	Jackson County, Oregon	
	UFC	UFC	Comparison
At least one non-family violence criminal case with:			
Case dismissed	28.8%	19.2%	18.2%
† • Guilty plea entered	87.7%	84.9%	71.6%
Trial and conviction	5.5%	0.0%	2.3%
Trial with not guilty verdict	1.4%	0.0%	0.0%
Other	1.4%	0.0%	1.1%
Number of families with data	(73)	(73)	(88)

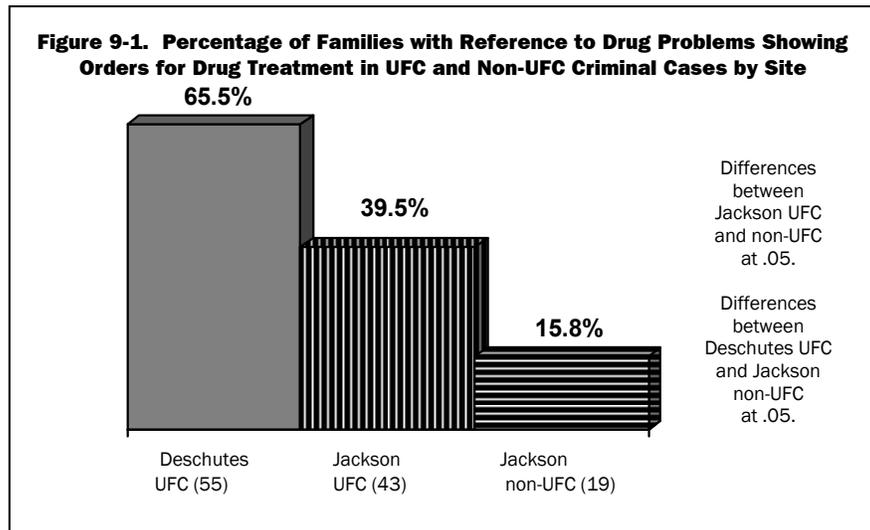
† Jackson UFC and comparison groups are statistically different at .05.  
 • Deschutes UFC and Jackson comparison cases are statistically significant at .05.

Among those cases that have been adjudicated (whether as the result of trial or a guilty plea), UFC cases are more likely to have orders showing some type of service and/or monitoring by the court. Three-quarters of the UFC families in Deschutes and Jackson have such orders, compared to less than 40 percent of the non-UFC families in Jackson.

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Two types of orders show statistically significant differences between non-UFC and UFC cases within Jackson County, as well as significant differences between Deschutes UFC and Jackson non-UFC cases. These two items are the percentage of cases resulting in orders for drug treatment and the percentage of cases with probation ordered. In both instances, UFC cases show a greater percentage of cases with such orders when compared to non-UFC cases.

As Figure 9-1 shows, the differences between UFC and non-UFC cases hold when the analysis is restricted to only those cases that have references to drug problems in the court file. These patterns suggest that the UFC intervention provides greater access to in-demand services such as drug treatment. Not surprisingly, there is a strong correlation between orders for drug treatment and the use of probation. Combining cases from Deschutes and Jackson UFC and non-UFC families shows that 90.1 percent of those with drug treatment orders also have orders for probation. Among those without drug treatment orders, only 42.9 percent receive probation.



Finally, as Table 9-8 shows, there are no statistically significant differences between the Jackson UFC and non-UFC families with respect to the percentage experiencing a subsequent criminal filing. The Deschutes UFC families were more likely than Jackson non-UFC families to experience a subsequent filing. However, three-quarters of the Deschutes UFC families had prior, closed criminal filings at their UFC entry. In Jackson County, only 49.3 percent of the UFC families and 23.9 percent of the comparison families had prior, closed criminal cases. When the analysis considers only cases with no prior criminal cases, the Deschutes UFC, Jackson UFC, and Jackson non-UFC families have nearly identical rates of subsequent criminal filings. Thus, controlling for past criminal history, the greater reliance on probation and treatment in the UFC families does not appear to result in higher rates of recidivism.

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**Table 9-8. Orders Entered in Other Criminal Cases for Comparison and UFC Families by Site**

	<b>Deschutes County, Oregon</b>	<b>Jackson County, Oregon</b>	<b>Comparison</b>
At least one non-family violence criminal case with:	UFC	UFC	Comparison
•Orders for psychological evaluations	11.8%	0.0%	0.0%
•Orders for drug evaluation	49.0%	10.2%	8.3%
•Orders for drug testing	17.6%	13.6%	5.6%
✦•Orders for drug treatment	56.9%	30.5%	8.3%
Restraining orders	2.0%	1.7%	8.3%
•Order to attend violence treatment program	7.8%	0.0%	0.0%
Order to attend anger management program	3.9%	0.0%	0.0%
✦•Probation	64.7%	69.5%	41.7%
Number of families with data	(73)	(67)	(77)
Percent with more than one of the above	74.3%	73.2%	39.5%
Percent of cases with evidence of contradictory orders	0.0%	8.5%	10.0%
Number of families with data	(51)	(59)	(72)
• Percent of cases with subsequent criminal filing	57.5%	32.9%	40.9%
	(73)	(73)	(88)
Among families with no prior criminal histories, percent with subsequent criminal filings	44.3%	43.3%	43.3
	(18)	(37)	(67)

✦ Jackson UFC and comparison groups are statistically different at .05.  
 • Deschutes UFC and Jackson comparison cases are statistically significant at .05.

**Summary**

Criminal child abuse charges were relatively rare at all sites and for both UFC and non-UFC families. This, no doubt, reflects the fact that most child abuse cases are handled within the dependency system, and only the most serious cases result in criminal charges. The percentages of families with cases related to criminal intimate partner violence were also small at most sites and for both UFC and non-UFC families. This is consistent with research that finds only a small percentage of intimate partner violence cases result in criminal prosecutions.

Where criminal cases related to family violence do exist, there are few differences between UFC and non-UFC families in case processing and outcomes. The average number of hearings was similar for Jackson County UFC and non-UFC cases. The greater average number of hearings in Deschutes UFC cases relative to Jackson non-UFC cases may be more a matter of differences in legal climate and practice between jurisdictions rather than UFC and non-UFC status. The overall outcomes in family violence cases were also similar for UFC and non-UFC families. Between 61 and 73 percent of cases resulted in a guilty plea by the defendant, while trials occurred in no more than 11 percent of the UFC and comparison cases.

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There is some indication that UFC families with either intimate partner or child abuse criminal charges are more likely to receive drug treatment than are non-UFC families. Overall, close to a third of the defendants in UFC cases receive drug treatment while none of the defendants in non-UFC receive this service. This pattern holds even when the analysis is restricted to those families with indications of drug problems in the court files.

This study finds that unified family court models that accept non-family criminal cases will have a substantial number of families with criminal filings. Between a third to half of the UFC families in Deschutes and Jackson had at least one felony case assigned to the UFC, and 50 to 70 percent had either a felony and/or a misdemeanor. The UFC criminal cases result in more hearings per case than do non-UFC cases, but probably do not result in cases staying open longer. The UFC cases are also more likely to result in probation and drug treatment, while drug treatment is rare and probation less common in non-UFC cases.

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### **Chapter 10**

#### **User Reactions**

During interviews and focus groups, professionals were asked to discuss the advantages and disadvantages of the UFC model and to respond to the arguments for and against the UFC as outlined in Chapter 1. Their reactions to the major issues in the debate appear below.

#### **Responses to Critics**

##### **Lack of Due Process, Coercion, and Judicial Bias**

As noted in Chapter 1, some of the arguments that have been leveled against unified family courts, and therapeutic justice in general, have to do with concerns that the approach places more emphasis on “treating” families than on protecting legal rights. The UFC judges, administrators, and staff interviewed for this study acknowledge the risks involved in both the one family-one judge model and the concept of therapeutic justice. This is one reason that families can decline to participate in the UFC. For example, in Jackson County, potential UFC families are required to attend an orientation system and to observe UFC hearings. One judge in this court estimates that only 5 percent of families opt not to participate, but adds that if families have reservations following their orientation and observations, “we back off; we don’t want to force this on anyone.”

UFC staff, and the professionals who use the UFC, also report that they make special efforts to safeguard parties’ rights when occasions arise that pose special risks. For example, during family team meetings in Deschutes, the UFC facilitator says she is:

...careful not to let the party with criminal charges pending talk about it unless his attorney agrees. We can still discuss options more generally. I may ask the attorney if the plan needs to deal with the contingency of incarceration.

A dependency case worker notes that special care must also be taken if there are discussions during team meetings or in court about the voluntary relinquishment of parental rights. She notes:

You do have to be careful with stipulations to relinquish. If it’s handled in a hearing where other matters are discussed it can look like quid pro quo even if it’s not and it could be grounds for an appeal or adoption being overturned.

There is generally less concern expressed by UFC judges, administrators, and the various professionals regarding potential judicial bias resulting from hearing multiple cases. One UFC judge argues:

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In making decisions about families, how can you have too much information? The information we have is the information any judge should have had. Having the information may work either way, I may be tougher or easier on the family.

Several defense attorneys report they hear from their colleagues in other jurisdictions that there is resistance to the idea of having one judge hear all of a family's cases. But most feel this concern is unfounded.

We think it actually helps. If the client has lots of fines and a license revoked with a DUI, the judge who hears all the case will sometimes impose lesser sentences as long as the client cooperates. Maybe reduce the fines or get the license reinstated. The judge may not make the defendant "jump through the hoops" that might be required if the judge heard only a single criminal matter. Plus, the prosecutor learns what's going on – that services are being required that are 10 miles apart and there's no public transportation, and the CASA too will begin to realize what a family faces if they don't have a car.

Another says:

We like that the judge has as much information as possible. Often the parent has a sad story but even though the judge might go easier on the parent knowing this story, the judge also might say "I've heard this five times already." The cases with criminal on child abuse and dependency can be nightmares if they are not handled jointly. If the dependency attorney is not handling the criminal, he will often say just don't talk about anything until the criminal piece is resolved.

### **Decriminalization of Criminal Behavior**

In both Deschutes and Jackson counties, the prosecutors and parole and probation officer voice little concern that incorporating criminal cases into the UFC model will result in such behavior being treated as less serious in nature. One parole officer notes that having more information about what the system has tried to provide to a family – without success – can actually make judges and officers of the court more likely to take a strong approach with the family. She notes:

If there are 10 or 15 people at the meeting and they're throwing money and resources at the family and the family is doing nothing to follow through – if they get \$600 a month for housing and continue to live in a place with rats, bugs and mold – you decide the family isn't serious.

In another instance, one UFC staff member recalls hearing a UFC judge, who had seen the same defendant repeatedly on domestic violence charges, warn the defendant that "next time you'll do a full year on the misdemeanor." This might not have

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happened had the judge not personally seen the defendant in the past and been aware of the attempts being made to change his behavior.

At both Oregon study sites, which both include criminal cases in the UFC model, court staff and professionals express some disbelief that the model can be effective if criminal cases are excluded. As one UFC staff member notes, “How do they not deal with that? Jail time affects everybody.” In a similar vein, a Court Appointed Special Advocate representative insists, “It could be a drawback not to include criminal cases. Criminal outcomes impact the family.”

On the other hand, criminal cases were excluded from the UFC model in Maricopa County, largely due to resistance from prosecutors and lack of support from the defense bar. One county attorney for Maricopa County reports that her initial reaction to the UFC approach was that criminal cases were inappropriate for inclusion and there would be too few instances of multiple domestic relations, delinquency, and dependency cases to warrant a new approach.

The whole idea of therapeutic jurisprudence didn't sit well with me. Our purpose was to arrest and punish. We took the position that criminal cases don't belong in the [UFC]. Delinquency might be a little different. But cases with overlap between dependency and delinquency have always had the same judge.

### **Lack of Resources**

In Chapter 1, the argument that courts generally cannot afford to operate unified family courts was summed up in this manner by the evaluator of several North Carolina UFC pilot projects:

According to the court personnel participating in the pilot projects, the longer term success of family courts depends primarily on the continued availability of adequate funding. Put simply, family court is more expensive to operate than the present method of dealing with family cases. Whereas most district court judicial districts employ no staff to manage cases, the family court model depends on family court administrators and case managers to accomplish the labor-intensive case management and service coordination (Howell, 2000: 19).

In both Deschutes and Jackson counties, opinions are mixed with respect to the cost impact of the UFC. Initially, representatives from both courts reported concerns among partner agencies about staff potentially being overworked, as well as concerns about the court getting into the business of delivering or overseeing social work. One judge in Jackson County reports that “there were monthly meetings initially that went on and on just over who was going to open the file and how the file would be kept. The D.A. was especially resistant. We finally had to say, we're doing this and you can be in court or not.”

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At both sites, there is now some sentiment that the time spent on cases processed through the unified family court is no greater, and perhaps less, than the time these cases would require if handled through traditional means. For example, on UFC staff member reports that the initial concerns over the time required for family team meetings has dissipated: “Now, the line workers see the family meeting as a way to avoid playing phone tag with six different agencies.” A parole officer notes: “Over all it cuts back on the time you spend on a case. It’s hard to see that at first. But a greater investment of time at the start means less time over the long run.” A UFC judge echoes this sentiment, “It saves hearing time in the long run. In the short term, it’s more time. The family meeting is essential. There’s no posturing there and it produces more detail. The hearing is narrower.”

However, others caution that the UFC approach can be time consuming. One delinquency worker who supports the UFC reports:

The biggest disadvantage to us is the amount of time it takes [to have a family in the UFC]. With caseloads of 70 we can’t have more than one or two hearings a month that are not at our facility and also have a one or two hour family meeting per month. It’s time well spent, but we can’t do too many. The UFC hearings are more time consuming, they’re two hours instead of 10 or 15 minutes. If the court is running behind you can wait an hour for one of the attorneys who is in another hearing and then the whole thing can get set over for another month. If you have meetings every month and court maybe twice a month, that’s a lot. We don’t have to be at every hearing if they are not doing delinquency matters, but if it’s a review hearing we need to be there. Judges who take on UFC work also need to think through the time commitment they’re making. If you just hear the criminal piece, you’re done after the sentencing hearing. These cases go on and on. The more you investigate, the more you know and the more you know the more you need to know. When I first came in and was handed some UFC cases it was overwhelming, but it really does help me know what’s going on.

In light of the time these cases demand, one UFC staff member acknowledges that systems may eventually have to reconsider the policy of permanently retaining a family in the UFC court.

The policy is once you are in, you are in for life. But maybe the family should eventually make way for other people to get an opportunity to get the extra resources. Especially if the family isn’t taking advantage of it.

In Maricopa County, the time demands created by the UFC were a major source of contention within the attorney population. Ultimately, widespread resistance among attorneys in Maricopa County over the philosophy and time demands of the UFC model led the court to retreat from its Integrated Family Court approach. The court has now returned to assigning families with both delinquency and dependency cases

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to the same judge, and has placed a new emphasis on improving technology to ensure that judges are aware of additional cases that a family before them has pending in another court. However, it does not coordinate judicial assignments for families that have dependency or delinquency matters also pending in family cases.

### **Impractical in Large Settings**

The experiences in Maricopa County certainly suggest that introducing unified family courts into large courts will be difficult. Specialization and time constraints are among the chief obstacles. As courts grow, the pattern is for judges and attorneys to specialize in the work they do. Judges in Deschutes and Jackson counties agree that hearing multi-case families is easiest for judges who routinely hear all types of case filings, and they expressed doubt that the model could be transplanted to a setting with specialized benches. Indeed, one UFC staff member in Deschutes noted that an attempt to have a judge who heard strictly misdemeanor cases join the UFC bench was not effective because of the range of case expertise required by the UFC.

Size brings its own problems, including demands to keep cases moving and problems keeping procedures open and flexible. One judge in Jackson County explains the value of flexibility to the UFC this way:

There has to be flexibility on each case. For example, if scheduling requires it, I may let the criminal court judge preside over the criminal trial and have the case sent to [UFC] for sentencing. I've also had situations where I've asked the family if they want another judge to hear a portion of the case. I occasionally send a TPR to another judge either because my team is split on what to do or because I think I've seen the family fail too many times to be impartial. There should be flexibility with respect to the program. No matter how much planning takes place, there will be unexpected issues that arise.

By contrast, the attorneys in Maricopa County felt they could cope with caseloads only by developing standard procedures to which everyone adhered. The UFC administrator in Maricopa noted that the public defenders and county attorneys "did not see how they could provide services if 30 attorneys were in court every day." One of the county attorneys explained:

The IFC didn't work because this is a large county. We need a court calendar we can rely on. The AG needs to be able to plan on dependency cases being held Monday, Wednesday, and Friday afternoon. The IFC required sending the AG or county attorney to do one case in the middle of the day. The cases were often set up to be sequential and even if you were only in for the portions you always attended, it wasn't predictable in the same way it used to be.

Ironically, it was in the largest jurisdiction, Maricopa County, that questions were raised regarding the need for a special approach to handle multi-case families. Many

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professionals in the system expressed skepticism that there are a sufficient number of these cases to warrant a separate approach. To demonstrate the need, the UFC administrator, assisted by the Information Technology staff, looked at two years' worth of domestic relations cases and found that 17 percent had links to other cases (excluding criminal filings). While some professionals questioned whether there were enough cases, the IFC judges were worried about high caseloads and some cases were excluded from the IFC to keep the caseloads manageable.

### **Perceived Strengths**

#### **Enhanced Communication and Better Informed Professionals**

Most professionals involved with the UFC agree that the system provides them with more information on families, the demands being placed on families, and the resources available to the families than they typically had under the traditional system. The professionals in Deschutes County are particularly enthusiastic about the family meetings that bring all the professionals and the family together, first to develop a plan and later to monitor progress. One representative from Probation and Parole explains the value of the meetings this way:

The family meeting helps us get the big picture. Often we just get what the client presents. This way we get to hear what the Department has seen. We get to know what they're requiring. You get a better perspective on the whole person. You realize these folks need housing, transportation, child care. It can help get the family services. The meeting is time consuming, but the information you get is so good. I quickly realized that the meeting will give me more information than I could ever get without it. Having one judge is enormously important. It's what drives the train.

A representative of a treatment agency who frequently attends family meetings says, "The advantage of the team meeting is that we're all getting the same information at the same time. There's no phone tag. The communication is clear." A Parole and Probation worker adds that the meetings also provide an opportunity for the parents "to hear from lots of different sources what their behavior is doing to their children." A defense attorney notes:

Family meetings are better than family decision making [meetings convened by the Department of Human Services in dependency cases]. At the family meeting DHS is just another voice. I've seen people come down on DHS. I've seen treatment people challenge DHS. Family decision making seems driven by the regulations, and family meetings are driven by common sense. I represent kids. I've had meetings where the mom has been crying and I've looked her in the eye and she realizes I don't hate her. I have a job to do but I want to help. We're a team here.

#### **Avoiding Contradictory and Duplicative Orders**

One UFC judge says she knew from her experiences as a practicing attorney that cases are frequently involved in multiple legal cases.

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Someone would have a dependency but also a divorce or there was a drug case but also a domestic violence. Once I came on the bench I saw it from that perspective too. There was a dependency case where the case worker mentioned that the police had been out to the home on a domestic violence call. I asked what happened as a result and nobody knew. I looked it up and found the case, called the probation officer and found out that dad was being required to do two batterer programs through criminal court and juvenile.

Another UFC judge concurs, reporting that:

There has been dramatic improvement in our ability to serve cases. It used to be that I might make an order to revoke probation just as the children were going home from foster care.

A defense attorney notes:

I work in three counties and I see what goes on when a family is charged with three things. The misdemeanor judge doesn't know about the felony. The felony judge doesn't know about the misdemeanor. The domestic relations judge doesn't know about either.

Another defense attorney agrees that under the UFC:

There are fewer conflicting orders. That's common place in most courts. If they're not conflicting, they're just not helpful. You'll have a delinquency where the juvenile is released with conditions and a dependency case where the allegation is parents use excessive discipline. Or there will be no contact orders due to domestic violence but the parents are sent to a parenting class together that they have to finish to get their domestic relations action through.

One UFC judge notes that even without contradictory or duplicative orders being entered, "There's a criminal unit, a civil unit, a family court unit. Without unified family court involvement there are intersection collisions everyday: where's the file? Who's handling this?"

A number of different professionals mention that their experiences in UFC have helped them to realize that multi-case families are often "over served" by the various systems in which they are involved. One treatment provider reports that family meetings were "an eye opener about how many things courts order people to do. We realized we can't add in too many more." A parole officer reports, "In group meetings I hear about other key appointments they [family] have. It can be overwhelming for the family and it's good for us to hear." Similarly, a dependency case worker notes that, "In one family meeting we put the service agreement on the board. Some items we all

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had in common, others were different. We came to the realization that no one could realistically do all of this.”

### **Greater Ownership of Outcomes and Accountability**

Many of the professionals interviewed for this study mentioned greater accountability as one of the positive outcomes of the UFC. This accountability grew out of the information sharing and interaction among professionals and the role of a single judge in the case. These factors made it more difficult for parties in the case to offer excuses for a lack of action, and impossible to offer the same excuses repeatedly but to different judges.

The accountability is believed to grow out of meetings among the professionals as well as court hearings, and to be equally demanding on the professionals and the families. One mental health provider says, “UFC holds people more accountable. Everyone knows and hears the same information and families feel supported, not like we’re overwhelming them.” A defense attorney says:

When I first heard about the UFC it seemed like a good idea. It seems like a great idea in retrospect. It was a huge change. It used to be that you’d show up in juvenile court and the parties would say we can’t do this because the agency hasn’t done that. You couldn’t get much traction. When we got all the players in the many systems together in one place and put them around the same table, things began to happen outside of court. It stopped the clients from wiggling, but it did the same thing for the agency.

Similarly, a delinquency worker notes that “We [the delinquency worker] can’t hold parents accountable, so this can help parents be held accountable. It improves accountability overall. The family and agency will stop finger pointing.” And a Probation and Parole Officer says that through UFC meetings and hearings:

I find out what resources the family has, I’ll find out they do have transportation assistance when they’ve been telling me they don’t. You learn about manipulation. In one case dad always had terrible stories about the foster parents and then I met them and realized what great people they are!

### **Enhanced Job Satisfaction**

Clearly, enhanced job satisfaction was not present for enough professionals in Maricopa County to keep the UFC program alive. It was never popular among defense attorneys and prosecutors, and the judges who believed in the program and enjoyed the UFC bench did not remain on the bench past their usual two-year rotation. Having judges who want to serve on this bench is viewed as a necessary, if not sufficient, condition for program longevity. As judges in Deschutes and Jackson counties say:

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Allowing judges to opt out would make sense. It would mean everyone saw the value. But in a very small court, if too many judges opted out, it wouldn't work.

Judges should be allowed to opt in or out. You need a balance between getting judges experience and avoiding burnout. Probably doing it for a minimum of 3 years makes sense.

It's important to allow judges to self-select for this.

For judges who choose to serve, it is reportedly a rewarding, if also frustrating experience. In the words of a few UFC judges:

I was frustrated by the generational loop we find families in. I realized I was doing the grandkids of the people I initially saw. I liked the idea of one judge and no judge shopping. Families give things up, but they get exposed to resources they would not otherwise get. One of the lessons we learned was to identify cases as early as possible.

By and large there is greater job satisfaction for judges, although it can be among the most frustrating things I do. I get to rooting for some families and then they fail.

It's been hugely positive. It's what keeps me engaged as a judge. I did criminal court for three years and it felt like paperwork on an assembly line. I realized in retrospect that I could do an entire arraignment hearing and never even look at the defendant.

I'm accused of being a social worker. I don't agree at all. I'm no more a social worker than a judge in a product liability case is a manufacturer, but you have to learn about the topic. It would not work with a resistant judge.

Other professionals like the sense that they are engaging families, helping, and doing all they can to help deeply troubled families:

Going to the UFC model is like getting out of the sandbox and onto the beach. There are multiple families that wouldn't have made it under the old approach. (Defense attorney)

I got a call about a mom delivering a [methamphetamine] addicted baby. At first mom didn't want anything to do with the baby. About five days post-discharge she showed up at the hospital after using and she was discretely arrested for delivering a controlled substance to a minor. She wasn't a client who would talk to me. But the family meetings gave her a sense that people really do want to help her. (Probation and Parole)

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It changes what goes on at court too. Before UFC, we'd litigate it all and the court would micromanage. Now it all happens in the meetings. Since UFC came in we're not terribly adversarial in dependency work. Being assigned to juvenile cases at the D.A.'s office isn't a punishment anymore. (Defense attorney)

I would advise others to let go of your control issues. Let people help you. It's okay to share the load. Embrace it. It's a lifting experience to be around that many people working toward the same goal. It's great to have community support. (Dependency case worker)

Every court should have it. It's the most efficient thing I've ever seen in my life. It's essential. Let people talk to their counterparts in other systems with UFC. It's really elevated the standing of family court. (Defense attorney)

So many families are so dysfunctional. They can't communicate, they can't prioritize. The family meetings and UFC helps them organize their lives. (Defense attorney)

### **Summary**

Some of the major criticisms regarding unified family courts, outlined in Chapter 1, were generally dismissed by the professionals, including the judges, interviewed as a part of this study. None of the professionals who were interviewed felt there was merit to the claims that the UFC does not place sufficient emphasis on due process, is prone to coercing defendants into services, and results in judicial bias. Some attorneys, including defense attorneys, reported initial concerns about these factors, but felt that they were not borne out in practice.

Maricopa was the only site where professionals expressed the view that allowing criminal cases into the UFC would essentially decriminalize criminal actions. This site chose not to include criminal cases in the UFC largely due to the opposition of prosecuting attorneys and some defense attorneys. In Deschutes and Jackson counties, which included criminal matters in the UFC, the professionals expressed the opinion that judges were sometimes more lenient and sometimes more strict in criminal cases in the UFC. If the family was perceived to be cooperating and trying, the judge might allow an infraction. On the other hand, families that were not perceived to be trying might be the subject of immediate sanctions.

Two criticisms leveled against the UFC received more support from the professionals interviewed for this study. There was acknowledgment that the UFC approach placed demands on court resources and could not function unless properly staffed at the court and supported by the necessary community services. The professionals also acknowledged special difficulties in operating a UFC model in a large jurisdiction. Once courts have moved away from courts of general jurisdiction to specialized

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benches, it becomes difficult to find judges who are comfortable handling the full range of cases seen by most UFCs. Similarly, large jurisdictions will face difficulties processing large volumes of cases without specialized dockets.

Most of the professionals interviewed for this study cited numerous advantages to the unified family court approach. Chief among the advantages are enhanced communication among the professionals, resulting in generally greater levels of information and understanding about the case. Many professionals felt this helped to reduce the incidence of contradictory and duplicative orders. Many interview respondents also reported that the process resulted in increased accountability in which both families and professionals are held responsible for fulfilling the service plan.

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# **Chapter 11**

## **Summary and Discussion**

### **Summary of Key Findings**

Research on therapeutic justice and unified family courts is complicated by a number of factors, many of which have been discussed in the methods chapter of this report. For example, like most UFCs, the programs in this study handle relatively small volumes of cases. The chances of being able to measure significant differences across programs or between UFC and non-UFC families is, of course, limited with small samples. Equally important, the study lacks a strong comparison group for each UFC program. This significantly limits the ability of the study to accurately address the differences in case processing that are introduced by the adoption of a unified family court.

In addition, identifying the measures on which to compare UFC and non-UFC families is no easy task. Outcomes vary depending upon the types of cases the family has pending. Reunification is relevant for a dependency case, but not for a domestic relations filing, and probation is relevant for a criminal case but not for a civil protection order filing. However, in UFC research, there are additional measurement issues. During qualitative interviews conducted for the study, judges, court administrators, and professionals who work in the UFC were asked to talk about what they see as appropriate measures of program success. The families seen by the UFC are among the most troubled families seen by courts. They have multiple cases pending simultaneously, numerous problems such as drug addiction and criminal histories underlying these cases, and few personal or family resources to combat the problems. Given this profile, as one judge put it, “Success is all relative.” For example, this judge noted that it may be unrealistic to assume that the UFC will be able to eliminate all further behavioral problems by an adolescent who has been adjudicated in a delinquency proceeding. He warns that “success” in a delinquency case may simply be a less serious offense being committed relative to the offenses committed before the UFC became involved. Other researchers have offered similar observations:

There are several caveats to keep in mind in identifying family court system goals...it is important to be realistic about what the court can do given its time frame and the influences beyond its control (Kuhn, 2001: 84.)

...even if all of the improvements discussed above [to create a unified family court] were implemented overnight in every jurisdiction in the United States, they would not offer a panacea for the broader societal problems that exacerbate family difficulties — problems including poverty, inadequate housing, education or child care, and the numerous other underlying social problems that no family court can change at their roots (Ross, 1998: 22.)

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However, in a large scale review of case records, it is no easy matter to determine whether delinquent acts are becoming less serious in nature, whether the termination of parental rights was the best possible outcome in a dependency case, or whether probation was appropriate in a criminal case.

Other possible measures of “success” sometimes employed in the judicial system may be inappropriate measures of the success of the UFC model. For example, there is little reason to believe that UFC cases will be processed more rapidly than traditionally processed cases since they often involve frequent court appearances and close judicial monitoring. Still other measures of success that are posited for UFCs may be difficult to quantify. Several court administrators and professionals serving UFC families noted that the process results in “greater accountability.” In other words, everyone in the case, from family members to judges, is believed to be held accountable when orders and plans are not followed. The greater accountability may make judges more willing to impose sanctions on non-compliant family members or to demand action by service providers. However, measuring “a sense of accountability” is elusive.

The difficulties inherent in assessing the success of unified family courts, and the complications posed by case volume and the lack of a true control group, means that the outcome analysis in this report is, of necessity, more exploratory than definitive. In addition, most of the outcomes considered in this report, such as reunification in dependency cases or recidivism in delinquency cases, have been the subject of extensive research which has documented that such outcomes are influenced by a number of factors beyond court structure, including the age of the child or the family’s history in the legal system, that cannot be considered without larger sample sizes and strong comparison groups.

Given these caveats, this study offers the following findings:

- As measured by their past and current involvement in the legal system, as well as by the issues documented in the UFC files, the families served by the UFC in each site are exceedingly troubled.

Common problems include histories of family violence (ranging from 22.1% to 52.8% across the sites), drug use (ranging from 49.7% to 61.3%), mental health problems (ranging from 4.8% to 32.9%), and criminal histories (ranging from 20.7% to 57.5%).

- Families reviewed by UFC judges for possible inclusion in the program were rarely rejected.

Judges appear to rely on the judgment of those making referrals and the staff reviewing case filings in making decisions about which families to include. This also may account for the presence of some single-case families. Court staff and professionals who make referrals may see the UFC as a mechanism for providing closer monitoring in some single-case families that need close attention, and UFC judges are reluctant to exclude these cases.

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- UFC families in Maricopa County had an average of 2.6 cases open while in the UFC. In Deschutes and Jackson counties, the comparable figures were 5.1 and 3.1, respectively.

Dependency and domestic relations cases were among the most common types of cases open in the UFC. In Deschutes and Jackson counties, which accept criminal cases, both misdemeanors and felonies were also common.

- The analysis suggests that, at least in some unified family courts and for dependency and criminal cases, the UFC approach may lessen the need for trials.

If the UFC approach does encourage stipulations in dependency cases, it has the potential to help the court meet the tight time frames that federal and state legislation impose on dependency cases, and also might help families and case workers avoid the animosity that often accompanies a trial. Maricopa UFC families stipulated to the dependency petition at higher rates than non-UFC families (21.2% versus 0.0%). Deschutes UFC families also typically stipulated to the petition (76.5%). Among criminal cases, guilty pleas were entered for 87.7 percent and 84.9 percent of the Deschutes and Jackson UFC families, respectively, compared to 71.6 percent of the Jackson non-UFC families.

- While UFC and non-UFC cases do not differ with respect to continuances or the length of time cases remain open at the court, there is some evidence that families with dependency and criminal UFC cases receive closer judicial monitoring, as evidenced by more hearings.

This finding suggests that the UFC may facilitate judicial oversight and involvement without any concurrent delays in case processing. Families with dependency cases in the Deschutes and Jackson UFCs averaged more hearings (10.5 and 4.8, respectively) per case than did Jackson non-UFC families (3.2 hearings). Similarly, criminal cases averaged 6.6 and 7.9 hearings among Deschutes and Jackson UFC families, respectively, compared to 4.1 hearings for Jackson non-UFC criminal cases.

- Dependency cases, criminal family violence, and other criminal cases are more likely to result in orders for drug treatment if the family is seen in the unified family court.

This finding may indicate greater awareness of drug issues in the family by UFC versus non-UFC judges, as well as potentially greater access by the UFC families to services that are typically in short supply. When the dependency file mentions drug abuse issues, drug treatment was ordered in almost a third of the Maricopa UFC families, but none of the non-UFC families. Jackson and Deschutes families with dependency cases that reference drug issues had drug treatment ordered 69.8 and 75.9 percent of the time, respectively, compared to 47.6 percent for the Jackson non-UFC families. In criminal family violence cases, none of the Jackson non-UFC cases involved drug treatment orders, but 32.5 and 27.3 percent of the Deschutes and Jackson UFC families, respectively, had drug treatment orders. In other criminal hearings, drug treatment, typically accompanied by probation, was ordered in 56.9 and 30.5 percent

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of the Deschutes and Jackson UFC families, respectively, compared to 8.3 percent of the Jackson non-UFC families.

- There is no evidence that the increased hearings for UFC families translates into better compliance with the treatment plan.

This finding must be viewed with caution since the court files in both UFC and non-UFC cases often lacked compliance information. For example, in Maricopa County, there appeared to be compliance problems with dependency orders in 23.2 and 22.0 percent of the UFC and non-UFC families, respectively. Similarly, in Jackson County, 38.8 percent of the UFC families and 30.0 percent of the non-UFC families with dependency cases showed problems. On the other hand, compliance for the UFC families might have been expected to look worse relative to non-UFC families given that they were significantly more likely to involve drug treatment. Drug treatment frequently involves relapses and clearly is more demanding of parents than services such as parenting classes or regular visits with children.

- With respect to court-ordered services in dependency, delinquency, and domestic relations cases, there is evidence in at least some sites that the UFC cases received fewer conflicting orders than did their non-UFC counterparts.

Avoiding orders that are contradictory is a major goal of the unified family court. Fortunately, relatively few UFC or non-UFC cases showed evidence that judges had entered incompatible orders. However, in Jackson and Deschutes counties, UFC families routinely showed fewer contradictory orders across their cases than did the non-UFC families. Fewer than 8 percent of the UFC families, compared to 15 to 25 percent of the non-UFC families, showed evidence of contradictory orders in dependency, delinquency, and/or domestic relations cases.

- UFC families with dependency cases appear to receive more services than do non-UFC families with dependency cases.

The difference in the total number of services ordered is only statistically significant in Maricopa County. However, the pattern holds at all three sites.

- A final dependency case finding is that the UFC model may result in a greater percentage of reunifications than are seen in non-UFC cases.

This is encouraging and worth further exploration since it is not accompanied by an increase in the length of time the court case remains open or in the number the subsequent filings (indicating further abuse) following case closure. In Maricopa County, 57.9 percent of the UFC families with a dependency case had at least one child reunified, compared to 11.1 percent of the non-UFC families. In Jackson County, all of the UFC families with a dependency case had a child reunified, compared to 69.4 percent of the non-UFC cases.

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- Some of the major criticisms regarding unified family courts were generally dismissed by the professionals interviewed as a part of this study.

None of the professionals, including the judges, felt there was merit to the claims that the UFC does not place sufficient emphasis on due process, is prone to coercing defendants into services, and results in judicial bias. Some attorneys, including defense attorneys, reported initial concerns about these factors, but felt that they were not borne out in practice.

- Maricopa was the only site where professionals expressed the view that allowing criminal cases into the UFC would essentially decriminalize criminal actions.

This site chose not to include criminal cases in the UFC largely due to the opposition of prosecuting attorneys and some defense attorneys. In Deschutes and Jackson counties, which include criminal matters in the UFC, the professionals expressed the opinion that greater knowledge of the family meant that UFC judges were sometimes more lenient and sometimes more strict in criminal cases. If the family was perceived to be cooperating and trying, the judge might work with the family if there was another violation or a compliance problem. On the other hand, families that were not perceived to be trying might be the subject of immediate sanctions.

- Two criticisms leveled against the UFC received more support from the professionals interviewed for this study.

There was acknowledgment that the UFC approach did place demands on court resources and cannot function unless properly staffed at the court and supported by the necessary community services. The professionals also acknowledged special difficulties in operating a UFC model in a large jurisdiction. Once courts have moved away from courts of general jurisdiction to specialized benches, it becomes difficult to find judges who are comfortable handling the full range of cases seen by most UFCs. Similarly, large jurisdictions will face difficulties processing large volumes of cases without specialized dockets.

- Most of the professionals interviewed for this study cited numerous advantages to the unified family court approach.

Chief among the advantages are enhanced communication among the professionals resulting in generally greater levels of information and understanding about the case. Many professionals felt this helped to reduce the incidence of contradictory and duplicative orders. Many interview respondents also reported that the process resulted in increased accountability in which both families and professionals are held responsible for fulfilling the service plan.

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### **Discussion**

In 1992 Rubin and Flango posed the key question regarding unified family courts, “Should states without family courts create them?” They went on to note:

Certainly family courts promote coordination, promote better decisions, are desirable to the extent that they keep judges informed of cases involving family members, facilitate services by encouraging coordination with social service and probation agencies, and reduce the potential for conflicting orders or multiple court visits by family members (Rubin and Flango, 1992: 80).

The quantitative data from this study suggest that unified family courts may do a better job of delivering critical services such as drug treatment, promoting more frequent monitoring by the court without lengthening the amount of time a case remains open, encouraging stipulations in dependency and criminal cases, and, in dependency cases, providing more services and encourage reunifications. Despite these possible benefits, the answer to the question “Should states without family courts create them?” cannot be a simple “yes.”

In part, the answer is complicated by the fact that there is no single UFC model. Even jurisdictions that are committed to developing a unified family court will have many decisions to make regarding the structure and operation of the court. The jurisdictions in this study operated three very different unified family courts, and the procedures and policies in place at each site changed over time. The Deschutes and Jackson programs emphasize out-of-court meetings to help set the plan and resolve problems. The Jackson program also incorporates many elements of the drug court model. The Maricopa program opted not to include criminal cases and eventually chose to coordinate only dependency and delinquency cases.

Regardless of the model employed, the decision to develop a unified family court requires substantial commitments on the part of the justice system if the model is to be effective. The UFC model is incompatible with the frequent rotation of judges across assignments. Without being willing to commit a minimum of two or three years to the UFC, it is likely that the judge will be reassigned before the family’s cases are resolved and certainly before new cases are filed on the family. In addition, while not every judge needs to participate in the UFC, enough judges must take part to allow a substantial portion of multi-case families to be served. Faced with financial cuts, some courts have decided they do not have the judicial, prosecution, or defense resources needed to operate a unified family court. For example, economic problems in Washington State led to a reconsideration of the primary responsibilities of the court and

Mental health courts or drug courts or DUI courts or unified family courts were [said] not [to be] core functions of the court and so therefore shouldn’t be funded (McAdam, *et al.*, 2005).

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While judges and other professionals are one type of resource needed, sufficient community services are equally critical. In Florida's unified family court planning, the Florida Supreme Court noted:

...the failure to adequately fund the necessary services ultimately will result in the failure of the model family court concept. Without the necessary support services, the family court will be no more than a division of the circuit court that handles a specified class of cases, and the judicial system will be unable to effectively address the ever-increasing and complex needs of children and families — and the ever-increasing caseloads (Florida Supreme Court, 2001: 21).

In some courts, developing a unified family court approach also will require overcoming barriers created by court size, location, or organization. These three factors are often interrelated. Large, urban courts tend to have judges who hear specialized dockets. Judicial expertise, and therefore comfort, in handling the full array of a family's cases probably will be greatest in courts of general jurisdiction where the judges routinely see every type of case. In specialized courts, judges who have limited experience with complex cases such as dependency may be reluctant to take on families with these cases unless there is considerable training available.

Judges are not the only professionals who tend to become more specialized as court size grows larger. Defense attorneys, prosecutors, and even child protection workers are also more likely to be specialized in large settings. Some unified family courts allow both judges and other professionals to opt into or out of participation in the UFC. Again, while this can help overcome resistance, if too many professionals opt out of the UFC, it will not be able to function. Further, the experiences in Maricopa County underscore that even having multiple courthouses may create problems in administering a unified family court. Prosecuting attorneys in delinquency cases were resistant to attending hearings in a setting other than the juvenile facility. Although these problems are not insurmountable if there is sufficient support for the UFC approach, the need to attend hearings in new locations, coupled with increased demands on time, can be a barrier to acceptance of UFC.

While the UFC approach is difficult in very large jurisdictions, it also may face challenges in less populated areas. Of course, if the jurisdiction is very small, there may be little call for a unified family court. In such settings, all of a family's cases are naturally before the same judge. However, in settings with enough judges to warrant a UFC, there may be difficulties in linking families to services that are located hundreds of miles away (Fiermonte, 2001).

Not every court system will choose to develop a unified family court, and the approach might be ill-suited to some jurisdictions due to size, specialization, or limited resources. However, in general, it appears that problem-solving courts have much to offer. In 2000 the Conference of Chief Justices and the Conference of State Court Administrators released a joint resolution that called, in part, for:

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...each state to develop and implement an individual state plan to expand the use of the principles and methods of problem-solving courts (CCJ and COSCA, 2000).

Problem-solving courts have helped to create the technology to better enable judges to be aware of all the current, and relevant past, cases in which a single family is involved. Casey and Rottman note:

Integrated information systems created for problem-solving courts represent a quantum leap in the quantity and quality of information available to judges. New sources of information are being tapped to identify other cases involving a defendant or a family...Information on non-compliance with court orders and completion of alternative sanctions, a weak link in traditional courts, has become more reliable...The focus on information raises the bar for all courts in terms of what is possible (Casey and Rottman, 2003:10).

Although its UFC is no longer operating, Maricopa County has worked extensively on technology that will allow cases to be cross-referenced. This approach is based on the presumption, expressed by the Florida Supreme Court, that:

The key to fair, timely, consistent, efficient, and effective handling of multiple cases related to one family begins with the ability of the judicial system to be aware of all related cases involving that family (Florida Supreme Court, 2001: 27).

The influence of problem-solving courts has also led to a push to incorporate elements of problem-solving courts and therapeutic justice into the general courtroom. In a series of focus groups with judges in New York and California, researchers explored whether and how judges felt problem-solving approaches could be practiced in the general courtroom. One judge explained that his experiences in a problem-solving court had changed his general courtroom behavior:

I used to give probation terms and wait for them to violate probation and then we would file a petition and they would come back to court. Now I set review dates so they have to come back in and prove to me that they have done something (Farole, *et al.*, 2005: 63).

Justice Kevin Burke, Chief Justice of the Hennepin County District Court, contends:

...if we could just take the lessons from problem-solving courts and say my court, whether it's designated as problem-solving or not, is a place where people will be listened to and people will leave my court understanding why I made that decision, we will be a lot more successful (McAdam, *et al.*, 2005: 32).

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Trends such as improved technology to identify multi-case families and the integration of elements of problem-solving courts into the mainstream courtroom offer an opportunity to better serve all families with repeated involvement in the legal system. Nevertheless, in jurisdictions willing to commit the necessary resources, the unified family court appears to offer a number of benefits.

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**Integrated Approaches** to manage multi-case families in the justice system

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**Integrated Approaches** to manage multi-case families in the justice system

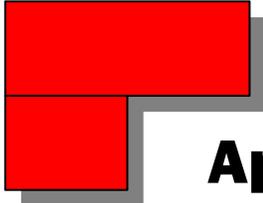
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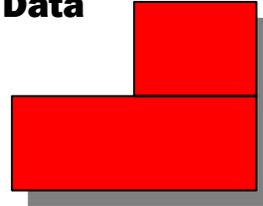
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**Integrated Approaches** to manage multi-case families in the justice system



## **Appendix**

### **Form to Extract Court Record Data**



This document is a research report submitted to the U.S. Department of Justice. This report has not been published by the Department. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

# Multi-Case Families: File Review

Program site:  Arizona      Is this case:  Integrated Family Court Case    Control group case

Date accepted into the Integrated/Unified Family Court: \_\_\_\_/\_\_\_\_/\_\_\_\_

Case referred to Integrated/Unified Family Court by:

- 1 - Judge
- 2 - Attorney for defendant
- 3 - Prosecutor
- 4 - Integrated/Unified Court staff
- 5 - Other court staff/clerks
- 6 - Social worker/case manager
- 7 - Other \_\_\_\_\_

What type of case led to the Integrated/Unified Family Court referral:

- 1 - Dependency
- 2 - Delinquency
- 3 - Domestic relations (divorce, paternity, child support, parenting time)
- 4 - Domestic violence
- 5 - Probate case/guardianship
- 6 - Other \_\_\_\_\_
- 7 - Felony

Which of the following types of cases were active during the time the family was involved with the Integrated/Unified Family Court?

*(include the case prompting the Integrated/Unified Family Court referral)*

Assigned or reassigned  
to the Integrated/Unified  
Family Court?

1 - Dependency	.....	Number: ____	...	Date of petition filing: ____/____/____	....	Yes	No		
2 - Delinquency	.....	Number: ____	...	Date of petition filing: ____/____/____	....	Yes	No		
3 - Dissolution/custody/parenting time/paternity	.....	Number: ____	...	Date of petition filing: ____/____/____	....	Yes	No		
4 - Civil domestic violence (protection order)	.....	Number: ____	...	Date of petition filing: ____/____/____	....	Yes	No		
5 - Criminal domestic violence	.....	Number: ____	...	Date of petition filing: ____/____/____	....	Yes	No		
6 - Criminal child abuse	.....	Number: ____	...	Date of petition filing: ____/____/____	....	Yes	No		
7 - Non-abuse felony	.....	Number: ____	...	Date of petition filing: ____/____/____	....	Yes	No		
8 - Non-abuse misdemeanor	.....	Number: ____	...	Date of petition filing: ____/____/____	....	Yes	No		
9 - Other	.....	Number: ____	...	Date of petition filing: ____/____/____	....	Yes	No		

*(multiple charges filed on the same date should be counted as the same case)*

How many cases involving this family were assigned or reassigned to the Integrated/Unified Family Court? \_\_\_\_\_

Do any of the cases marked above involve teen parents?

- 1 - No
- 2 - Yes

Number of children in the cases assigned/ reassigned to Integrated/Unified Family Court (do not include the teen parents in this count): \_\_\_\_\_

For each child listed above indicate gender and age:

- 1.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_
- 2.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_
- 3.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_
- 4.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_
- 5.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_
- 6.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_

Check all issues noted for children (include teen parents here):

- 1 - Violent behavior
- 2 - Mental illness or mental health issues
- 3 - Drug abuse
- 4 - Alcohol abuse
- 5 - Sexually inappropriate activity
- 6 - Sexual abuse issues
- 7 - Physical abuse
- 8 - Neglect
- 9 - Truancy
- 10 - Other educational problems or special educational needs
- 11 - Physical disabilities or medical problems
- 12 - Delinquency history
- 13 - Other

Total number of adults involved the cases assigned or reassigned to Integrated/Unified Family Court: \_\_\_\_\_

---

What are the relationships of these adults to the children (circle all that apply):

- |                         |                           |
|-------------------------|---------------------------|
| 1 - Mother              | 8 - Step-mother           |
| 2 - Father              | 9 - Step-father           |
| 3 - Grandparent         | 10 - Permanent guardians  |
| 4 - Other relative(s)   | 11 - Mother's new partner |
| 5 - Unrelated caretaker | 12 - Father's new partner |
| 6 - Adult sibling       |                           |
| 7 - Other _____         |                           |

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Check all issues noted for adults (do not include teen parents here):

- 1 - Violence between adults in the family
- 2 - Mental illness or mental health issues
- 3 - Drug abuse
- 4 - Alcohol abuse
- 5 - Sexual abuse of children
- 6 - Physical abuse of children
- 7 - Physical disability or medical issues
- 8 - Past criminal history
- 9 - Incarcerated
- 10 - Other \_\_\_\_\_

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Closed and/or inactive cases for this family at the time of the Integrated/Unified Family Court referral:

- |  |               |
|--|---------------|
| 1 - Dependency                                   | Number: _____ |
| 2 - Delinquency                                  | Number: _____ |
| 3 - Dissolution/custody/parenting time/paternity | Number: _____ |
| 4 - Domestic violence                            | Number: _____ |
| 5 - Criminal child abuse                         | Number: _____ |
| 6 - Non-abuse felony                             | Number: _____ |
| 7 - Non-abuse misdemeanor                        | Number: _____ |
| 8 - Other _____                                  | Number: _____ |

---

## Complete for Dependency/Abuse and Neglect Filings

Number of children named in any dependency petition: \_\_\_\_\_

Date of birth for each child: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_    \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_    \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Where were these children living immediately prior to the dependency petition: (If this differs by child or by petition, circle all that apply)

- 1 - With mother and father
- 2 - With mother
- 3 - With father
- 4 - With other relative
- 5 - Family friend
- 6 - Non-relative foster care
- 7 - Other
- 8 - Mother and step-father
- 9 - Father and step-mother

Parties named in any petition. (Do not include the CPS agency. Circle all that apply)

- 1 - Mothers.....Number: \_\_\_\_\_
- 2 - Fathers.....Number: \_\_\_\_\_
- 3 - Step-father
- 4 - Step-mother
- 5 - Mother's new partner
- 6 - Father's new partner
- 7 - Other relative(s)
- 8 - Other

Reason(s) for the dependency filing (circle all that apply):

- 1 - Physical abuse
- 2 - Sexual abuse
- 3 - Neglect
- 4 - Drug exposed infant
- 5 - Failure to protect
- 6 - Beyond control of parent
- 7 - At risk
- 9 - Other

Previous dependency filings on the family?

- 1 - Yes.....Number: \_\_\_\_\_  cannot determine number
- 2 - No
- 3 - Cannot determine

Did any of these cases involve legal representation for child: (If this differs by child or case, circle all that apply)

- 1 - Attorney or attorney GAL appointed on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (if multiple, date of first)
- 2 - Non-attorney CASA or non-attorney GAL appointed on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (if multiple, date of first)
- 3 - None of the above (No attorney, GAL or CASA)
- 4 - Other \_\_\_\_\_

Did any of these cases involve legal representation for mother(s): (If multiple mothers, circle all that apply)

- 1 - Attorney appointed on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (if multiple, date of first)
- 2 - Private attorney
- 3 - No attorney
- 4 - Not relevant, mother not involved in case
- 5 - Other \_\_\_\_\_

Did any of these cases involve legal representation for father(s): (If multiple fathers, circle all that apply)

- 1 - Attorney(s) appointed on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_    \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (if multiple, date of first)
- 2 - Private attorney
- 3 - No attorney
- 4 - Not relevant, father not involved in case
- 5 - Other \_\_\_\_\_

Dependency/Abuse and Neglect Filings continued

	Case 1	Case 2	Case 3
Types of placements used (circle all that apply):	1 - Emergency/shelter facility 2 - Formerly noncustodial parent 3 - Relative placement 4 - Friend/not licensed foster care 5 - Licensed foster care home 6 - Residential treatment facility 7 - Juvenile detention facility 8 - Other 9 - Not applicable, not placed	1 - Emergency/shelter facility 2 - Formerly noncustodial parent 3 - Relative placement 4 - Friend/not licensed foster care 5 - Licensed foster care home 6 - Residential treatment facility 7 - Juvenile detention facility 8 - Other 9 - Not applicable, not placed	1 - Emergency/shelter facility 2 - Formerly noncustodial parent 3 - Relative placement 4 - Friend/not licensed foster care 5 - Licensed foster care home 6 - Residential treatment facility 7 - Juvenile detention facility 8 - Other 9 - Not applicable, not placed
Number of different placements: (e.g., 2 foster homes = 2 placements) (Include shelter placement) Check if the file only identifies different types of placements <input type="checkbox"/>	Child 1: Child 2: Child 3: Child 4:	Child 1: Child 2: Child 3: Child 4:	Child 1: Child 2: Child 3: Child 4:
Length of placement (Add across all placements. If still in placement, calculate time to date) Not applicable, not placed <input type="checkbox"/> No information <input type="checkbox"/>	Child 1: _____ months Child 2: _____ months Child 3: _____ months Child 4: _____ months	Child 1: _____ months Child 2: _____ months Child 3: _____ months Child 4: _____ months	Child 1: _____ months Child 2: _____ months Child 3: _____ months Child 4: _____ months
Do case processing dates vary by parent If dates vary by parent, use first	1 - Yes 2 - No	1 - Yes 2 - No	1 - Yes 2 - No
Date of filing:	____/____/____	____/____/____	____/____/____
Shelter care hearing date:	____/____/____	____/____/____	____/____/____
Adjudication date:	____/____/____	____/____/____	____/____/____
Disposition date:	____/____/____	____/____/____	____/____/____
Permanency date:	____/____/____	____/____/____	____/____/____
Severance/Relinquishment/ Termination filing date:	____/____/____	____/____/____	____/____/____
Total number of hearings:			
Number of continuances:			
Did this case participate in mediation?	1 - Yes 2 - No 3 - Cannot determine	1 - Yes 2 - No 3 - Cannot determine	1 - Yes 2 - No 3 - Cannot determine
Did the parties stipulate on petition/adjudication?	1 - Yes 2 - No 3 - Cannot determine 4 - One did, one did not	1 - Yes 2 - No 3 - Cannot determine 4 - One did, one did not	1 - Yes 2 - No 3 - Cannot determine 4 - One did, one did not
Did the parties stipulate on disposition?	1 - Yes 2 - No 3 - Cannot determine 4 - One did, one did not	1 - Yes 2 - No 3 - Cannot determine 4 - One did, one did not	1 - Yes 2 - No 3 - Cannot determine 4 - One did, one did not
Is the case still open at CPS agency?	1 - Yes 2 - No 3 - Cannot determine	1 - Yes 2 - No 3 - Cannot determine	1 - Yes 2 - No 3 - Cannot determine
Is the case still open at the court?	1 - Yes 2 - No...Date closed: ____/____/____	1 - Yes 2 - No...Date closed: ____/____/____	1 - Yes 2 - No...Date closed: ____/____/____

Dependency/Abuse and Neglect Filings continued

	Case 1	Case 2	Case 3
Final case action and date ordered	1 - Reunified: ___/___/___	1 - Reunified: ___/___/___	1 - Reunified: ___/___/___
(if still open use current goal)	2 - TPR: ___/___/___	2 - TPR: ___/___/___	2 - TPR: ___/___/___
(if it varies by child, circle all that apply):	3 - Long-term <b>relative</b> care/ guardianship): ___/___/___	3 - Long-term <b>relative</b> care/ guardianship): ___/___/___	3 - Long-term <b>relative</b> care/ guardianship): ___/___/___
	4 - Long-term <b>non-relative</b> care/ guardianship: ___/___/___	4 - Long-term <b>non-relative</b> care/ guardianship: ___/___/___	4 - Long-term <b>non-relative</b> care/ guardianship: ___/___/___
	5 - Indep living ___/___/___	5 - Indep living ___/___/___	5 - Indep living ___/___/___
	6 - Other: ___/___/___	6 - Other: ___/___/___	6 - Other: ___/___/___
	7 - Dismissed: ___/___/___	7 - Dismissed: ___/___/___	7 - Dismissed: ___/___/___
	8 - Transferred jurisd ___/___/___	8 - Transferred jurisd ___/___/___	8 - Transferred jurisd ___/___/___
As last noted, where were the children living: (If this differs by child, circle all that apply)	1 - With mother and father 2 - With mother 3 - With father 4 - With other relative 5 - Family friend 6 - Non-relative foster care 7 - Group foster care 8 - Residential treatment 9 - Other 10 - Mother and step-father	1 - With mother and father 2 - With mother 3 - With father 4 - With other relative 5 - Family friend 6 - Non-relative foster care 7 - Group foster care 8 - Residential treatment 9 - Other 10 - Mother and step-father	1 - With mother and father 2 - With mother 3 - With father 4 - With other relative 5 - Family friend 6 - Non-relative foster care 7 - Group foster care 8 - Residential treatment 9 - Other 10 - Mother and step-father

Did the court order any of the following in connection with any dependency case? If ordered, was the service completed?

	Check if Ordered	Ever completed?			
Psych evaluation	___	1- Yes	2 -No	3- In progress	4 - DK
Drug/alcohol evaluation	___	1- Yes	2 -No	3- In progress	4 - DK
Drug/alcohol testing	___	1- Yes	2 -No	3- In progress	4 - DK
Drug/alcohol treatment	___	1- Yes	2 -No	3- In progress	4 - DK
Mental health counseling for adults	___	1- Yes	2 -No	3- In progress	4 - DK
Mental health counseling- children	___	1- Yes	2 -No	3- In progress	4 - DK
Parenting classes	___	1- Yes	2 -No	3- In progress	4 - DK
Parent aide	___	1- Yes	2 -No	3- In progress	4 - DK
Establish stable home/housing	___	1- Yes	2 -No	3- In progress	4 - DK
Establish stable employment	___	1- Yes	2 -No	3- In progress	4 - DK
Supervised visits	___	1- Yes	2 -No	3- In progress	4 - DK
Other	___	1- Yes	2 -No	3- In progress	4 - DK
Other	___	1- Yes	2 -No	3- In progress	4 - DK

Date of most recent dependency hearing: \_\_\_/\_\_\_/\_\_\_

## Complete for Delinquency Filings

Number of children in the family with dependency filings: \_\_\_\_\_

Is the adolescent: 1 - Male 2 - Female DOB:\_\_\_\_/\_\_\_\_/\_\_\_\_ DOB:\_\_\_\_/\_\_\_\_/\_\_\_\_ DOB:\_\_\_\_/\_\_\_\_/\_\_\_\_

Were there previous delinquency filings? 1 - Yes 2 - No 3 - Cannot determine

If yes, number of previous \_\_\_\_\_

	Case 1	Case 2	Case 3	Case 4	Case 5	Case 6
Filing type	1 - Truancy 2 - Beyond Control of Parent 3 - Delinquency 4 - Other	1 - Truancy 2 - BCOP 3 - Delinquency 4 - Other	1 - Truancy 2 - BCOP 3 - Delinquency 4 - Other	1 - Truancy 2 - BCOP 3 - Delinquency 4 - Other	1 - Truancy 2 - BCOP 3 - Delinquency 4 - Other	1 - Truancy 2 - BCOP 3 - Delinquency 4 - Other
Date of petition filing	____/____/____	____/____/____	____/____/____	____/____/____	____/____/____	____/____/____
Living at filing	1 - Mom & dad 2 - Mom 3 - Dad 4 - Other relative 5 - Family friend 6 - Non-relative foster care 7 - Other 8 - Juvenile program 9 - Mother and step-father	1 - Mom & dad 2 - Mom 3 - Dad 4 - Other relative 5 - Family friend 6 - Non-relative foster care 7 - Other 8 - Juvenile program 9 - Mother and step-father	1 - Mom & dad 2 - Mom 3 - Dad 4 - Other relative 5 - Family friend 6 - Non-relative foster care 7 - Other 8 - Juvenile program 9 - Mother and step-father	1 - Mom & dad 2 - Mom 3 - Dad 4 - Other relative 5 - Family friend 6 - Non-relative foster care 7 - Other 8 - Juvenile program 9 - Mother and step-father	1 - Mom & dad 2 - Mom 3 - Dad 4 - Other relative 5 - Family friend 6 - Non-relative foster care 7 - Other 8 - Juvenile program 9 - Mother and step-father	1 - Mom & dad 2 - Mom 3 - Dad 4 - Other relative 5 - Family friend 6 - Non-relative foster care 7 - Other 8 - Juvenile program 9 - Mother and step-father
Diversion	1 - Yes 2 - No					
Diversion included	1 - Teen court 2 - Restitution 3 - Community service 4 - Other	1 - Teen court 2 - Restitution 3 - Community service 4 - Other	1 - Teen court 2 - Restitution 3 - Community service 4 - Other	1 - Teen court 2 - Restitution 3 - Community service 4 - Other	1 - Teen court 2 - Restitution 3 - Community service 4 - Other	1 - Teen court 2 - Restitution 3 - Community service 4 - Other
Attorney	1 - Ct appointed ____/____/____ 2 - Pvt attorney 3 - Non-attorney representative ____/____/____ 4 - No attorney/CASA 5 - Other ____/____/____	1 - Ct appointed ____/____/____ 2 - Pvt attorney 3 - Non-attorney representative ____/____/____ 4 - No attorney/CASA 5 - Other ____/____/____	1 - Ct appointed ____/____/____ 2 - Pvt attorney 3 - Non-attorney representative ____/____/____ 4 - No attorney/CASA 5 - Other ____/____/____	1 - Ct appointed ____/____/____ 2 - Pvt attorney 3 - Non-attorney representative ____/____/____ 4 - No attorney/CASA 5 - Other ____/____/____	1 - Ct appointed ____/____/____ 2 - Pvt attorney 3 - Non-attorney representative ____/____/____ 4 - No attorney/CASA 5 - Other ____/____/____	1 - Ct appointed ____/____/____ 2 - Pvt attorney 3 - Non-attorney representative ____/____/____ 4 - No attorney/CASA 5 - Other ____/____/____
Number of hearings						
Number of continuances						



## Complete for Delinquency Filings

Did the court order any of the following in connection with the delinquency case? If ordered, was the service completed?

Not applicable, found adolescent did not commit offenses

	Ordered		Completed			
	No	Yes	No	Yes	In progress	Cannot determine
Psych evaluation	1	2	1	2	3	4
Drug/alcohol evaluation	1	2	1	2	3	4
Drug/alcohol testing	1	2	1	2	3	4
Drug/alcohol treatment	1	2	1	2	3	4
Mental health counseling for adults	1	2	1	2	3	4
Mental health counseling for children	1	2	1	2	3	4
Restitution	1	2	1	2	3	4
Community service	1	2	1	2	3	4
Apology	1	2	1	2	3	4
Other _____	1	2	1	2	3	4
Other _____	1	2	1	2	3	4

Date of most recent delinquency hearing: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

## Complete for Domestic Relations/Probate Filings

Type (circle all that apply):

- 1 - Paternity
- 2 - Parenting time/custody and visitation
- 3 - Child support
- 4 - Dissolution of marriage
- 5 - Guardianship/in loco parentis/custody to non-parent
- 6 - Other

Date of filing: \_\_\_\_/\_\_\_\_/\_\_\_\_

Gender and ages of all children in the case:

- 1.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_
- 2.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_
- 3.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_

- 4.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_
- 5.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_
- 6.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_

Where were the children living at the filing?  
(If this varies by child, circle all that apply)

- 1 - With mother and father
- 2 - With mother
- 3 - With father
- 4 - With other relative
- 5 - Family friend
- 6 - Non-relative foster care
- 7 - Cannot determine
- 8 - Other

Total number of hearings: \_\_\_\_  
(enter all dates on last 2 pages of form)

Total number of continuances: \_\_\_\_

Did this case participate in mediation?

- 1 - Yes
- 2 - No
- 3 - Cannot determine

If yes, did the parties reach an agreement in mediation?

- 1 - Yes
- 2 - No
- 3 - Cannot determine

Did the court order any of the following in connection with the domestic relations case? If ordered, was it completed?

	Ordered		Completed			
	No	Yes	No	Yes	In progress	Cannot determine
Psych evaluation	1	2	1	2	3	4
Drug/alcohol evaluation	1	2	1	2	3	4
Drug/alcohol testing	1	2	1	2	3	4
Parent education program	1	2	1	2	3	4
Settlement conference (not mediation)	1	2	1	2	3	4
Custody study	1	2	1	2	3	4
Expedited child support services	1	2	1	2	3	4
Other _____	1	2	1	2	3	4
Other _____	1	2	1	2	3	4

Legal representation for mother:

- 1 - Attorney
- 2 - No attorney
- 3 - Other \_\_\_\_\_

Legal representation for father:

- 1 - Attorney
- 2 - No attorney
- 3 - Other \_\_\_\_\_

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## Complete for Domestic Relations/Dissolution Filings continued

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Legal representation for child: \_\_\_\_\_  
(If this differs by child, circle all that apply)

1 - Attorney or attorney GAL appointed on \_\_\_\_/\_\_\_\_/\_\_\_\_  
2 - Non-attorney CASA or non-attorney GAL appointed on \_\_\_\_/\_\_\_\_/\_\_\_\_  
3 - No attorney, GAL or CASA  
4 - Other \_\_\_\_\_

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Disposition of case:

1 - Dismissed...Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
2 - Final decree/order/judgment...Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
3 - Pending

---

If there is a final decree/order/judgment, what does it say about where the children will reside?

- 1 - Solely with mother
  - 2 - Primarily with mother
  - 3 - Solely with father
  - 4 - Primarily with father
  - 5 - Time divided approximately equally
  - 6 - With other relative
  - 7 - Family friend
  - 8 - Non-relative foster care
  - 9 - Cannot determine
  - 10 - Other \_\_\_\_\_
  - 11 - Not an issue before the court
- 

If there is a final decree/order/judgment, does it place restrictions on visitation/access?

(Circle all that apply)

- 1 - No visits
  - 2 - Only supervised visits (including therapeutic supervised)
  - 3 - Supervised exchange (pick-up/drop-off)
  - 3 - No overnight visits
  - 4 - Other restrictions \_\_\_\_\_
  - 5 - No restrictions
  - 6 - Not an issue in the case
- 

If there are restrictions, who do they apply to?

(Circle all that apply)

- 1 - Mother
  - 2 - Father
  - 3 - Grandparent
  - 4 - Other \_\_\_\_\_
- 

Have there been post-decree/order/judgment filings?

- 1 - No
- 2 - Yes

If yes, dates of post-decree filings: \_\_\_\_/\_\_\_\_/\_\_\_\_    \_\_\_\_/\_\_\_\_/\_\_\_\_    \_\_\_\_/\_\_\_\_/\_\_\_\_    \_\_\_\_/\_\_\_\_/\_\_\_\_

If yes, what was the post-decree filing/supplemental judgment about? (Circle all that apply)

- 1 - Child support compliance problems
  - 2 - Access/visitation compliance problems
  - 3 - Request to modify child support
  - 4 - Request to modify access/visitation or custody
  - 5 - Other \_\_\_\_\_
- 

Date of most recent domestic relations hearing/action: \_\_\_\_/\_\_\_\_/\_\_\_\_

Complete for **Civil** Domestic Violence Filings (if more than 5 cases, put last case in last column)

	Case 1	Case 2	Case 3	Case 4	Case 5
Type (circle all that apply):	1 - Protection order 2 - Violation of protection order 3 - Other	1 - Protection order 2 - Violation of protection order 3 - Other	1 - Protection order 2 - Violation of protection order 3 - Other	1 - Protection order 2 - Violation of protection order 3 - Other	1 - Protection order 2 - Violation of protection order 3 - Other
Date of filing:	____/____/____	____/____/____	____/____/____	____/____/____	____/____/____
Relationship between plaintiff/defendant:	1 - Husband/wife 2 - Unmarried couple 3 - Other	1 - Husband/wife 2 - Unmarried couple 3 - Other	1 - Husband/wife 2 - Unmarried couple 3 - Other	1 - Husband/wife 2 - Unmarried couple 3 - Other	1 - Husband/wife 2 - Unmarried couple 3 - Other
Relationship of party requesting Order of Protection (or enforcement of Order) to child(ren)	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other
Who is the Order of Protection (or enforcement of Order) against?	1 - Child's Father 2 - Child's Mother 3 - Child's Step-father 4 - Child's Step-mother 5 - Other relative 6 - Other	1 - Child's Father 2 - Child's Mother 3 - Child's Step-father 4 - Child's Step-mother 5 - Other relative 6 - Other	1 - Child's Father 2 - Child's Mother 3 - Child's Step-father 4 - Child's Step-mother 5 - Other relative 6 - Other	1 - Child's Father 2 - Child's Mother 3 - Child's Step-father 4 - Child's Step-mother 5 - Other relative 6 - Other	1 - Child's Father 2 - Child's Mother 3 - Child's Step-father 4 - Child's Step-mother 5 - Other relative 6 - Other
Legal representation for plaintiff:	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other
Legal representation for defendant:	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other
Number of hearings:					
N of continuances:					
Disposition of case:	1 - Dismissed ____/____/____ 2 - Order granted ____/____/____ 3 - Pending 4 - Other	1 - Dismissed ____/____/____ 2 - Order granted ____/____/____ 3 - Pending 4 - Other	1 - Dismissed ____/____/____ 2 - Order granted ____/____/____ 3 - Pending 4 - Other	1 - Dismissed ____/____/____ 2 - Order granted ____/____/____ 3 - Pending 4 - Other	1 - Dismissed ____/____/____ 2 - Order granted ____/____/____ 3 - Pending 4 - Other
Evidence of violations of order?	1 - No 2 - Yes				

Date of most recent civil domestic violence hearing: \_\_\_\_/\_\_\_\_/\_\_\_\_

Complete for **Criminal** Domestic Violence Filings

	Case 1	Case 2	Case 3	Case 4	Case 5
Date of filing:	____/____/____	____/____/____	____/____/____	____/____/____	____/____/____
Relationship between victim and defendant:	1 - Husband/wife 2 - Unmarried couple 3 - Other	1 - Husband/wife 2 - Unmarried couple 3 - Other	1 - Husband/wife 2 - Unmarried couple 3 - Other	1 - Husband/wife 2 - Unmarried couple 3 - Other	1 - Husband/wife 2 - Unmarried couple 3 - Other
Relationship of victim to child(ren)	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other
Relationship of defendant to child(ren)	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other	1 - Father 2 - Mother 3 - Step-father 4 - Step-mother 5 - Other relative 6 - Other
Legal representation for defendant:	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other	1 - Private attorney 2 - Court appointed 3 - No attorney 4 - Other
Number of hearings:					
Number of continuances:					
Disposition of case:	1 - Dismissed: ____/____/____ 2 - Guilty/no contest: ____/____/____ 3 - Trial & conviction: ____/____/____ 4 - Trial/Not guilty: ____/____/____ 5 - Other: ____/____/____ 6 - Pending	1 - Dismissed: ____/____/____ 2 - Guilty/no contest: ____/____/____ 3 - Trial & conviction: ____/____/____ 4 - Trial/Not guilty: ____/____/____ 5 - Other: ____/____/____ 6 - Pending	1 - Dismissed: ____/____/____ 2 - Guilty/no contest: ____/____/____ 3 - Trial & conviction: ____/____/____ 4 - Trial/Not guilty: ____/____/____ 5 - Other: ____/____/____ 6 - Pending	1 - Dismissed: ____/____/____ 2 - Guilty/no contest: ____/____/____ 3 - Trial & conviction: ____/____/____ 4 - Trial/Not guilty: ____/____/____ 5 - Other: ____/____/____ 6 - Pending	1 - Dismissed: ____/____/____ 2 - Guilty/no contest: ____/____/____ 3 - Trial & conviction: ____/____/____ 4 - Trial/Not guilty: ____/____/____ 5 - Other: ____/____/____ 6 - Pending

Did the court order any of the following in connection with any of the criminal DV cases? If ordered, was the service completed?

	Ordered		Completed			
	No	Yes	No	Yes	In progress	Can't determine
Psych evaluation	1	2	1	2	3	4
Drug/alcohol evaluation	1	2	1	2	3	4
Drug/alcohol testing	1	2	1	2	3	4
Drug/alcohol treatment	1	2	1	2	3	4
Restraining order/Stay away order	1	2	1	2	3	4
Complete batterer's program	1	2	1	2	3	4
Probation	1	2	1	2	3	4

Date of most recent criminal dv hearing: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Criminal Child Abuse

Type (circle all that apply):

- 1 - Misdemeanor  
2 - Felony  
3 - Other \_\_\_\_\_

Date of filing: \_\_\_\_/\_\_\_\_/\_\_\_\_

Gender and date of birth for alleged victims:

1.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_      4.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_  
2.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_      5.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_  
3.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_      6.  Male  Female DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_

Relationship of defendant to child victim:

- 1 - Father  
2 - Mother  
3 - Step-father  
4 - Mother's boyfriend  
5 - Other male relative  
6 - Other female relative  
7 -  
8 - Other \_\_\_\_\_

Child victim in this case is one of the children noted in the (circle all that apply)

- 1 - Dependency case  
2 - Delinquency case  
3 - Domestic relations case  
4 - Domestic violence case  
5 - None of the above

Legal representation for defendant:

- 1 - Private attorney  
2 - Court appointed attorney  
3 - No attorney  
4 - Other \_\_\_\_\_

Legal representation for child:  
(If this differs by child, circle all that apply)

- 1 - Attorney or attorney GAL appointed on \_\_\_\_/\_\_\_\_/\_\_\_\_  
2 - Non-attorney CASA or non-attorney GAL appointed on \_\_\_\_/\_\_\_\_/\_\_\_\_  
3 - No attorney, GAL or CASA  
4 - Other \_\_\_\_\_

Total number of hearings: \_\_\_\_  
(enter all dates on last 2 pages of form)

Total number of continuances: \_\_\_\_

Disposition of case:

- 1 - Dismissed...Date: \_\_\_\_/\_\_\_\_/\_\_\_\_      4 - Trial/Not guilty....Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
2 - Guilty/no contest plea...Date: \_\_\_\_/\_\_\_\_/\_\_\_\_      5 - Other \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
3 - Trial & conviction...Date: \_\_\_\_/\_\_\_\_/\_\_\_\_      6 - Pending

Did the court order any of the following in connection with the criminal child abuse case? If ordered, was the service completed?

	Ordered		Completed			
	No	Yes	No	Yes	In progress	Cannot determine
Psych evaluation	1	2	1	2	3	4
Drug/alcohol evaluation	1	2	1	2	3	4
Drug/alcohol testing	1	2	1	2	3	4
Drug/alcohol treatment	1	2	1	2	3	4
Restraining order/Stay away order	1	2	1	2	3	4
Complete batterer's program	1	2	1	2	3	4
Probation	1	2	1	2	3	4
Other	1	2	1	2	3	4

Date of most recent criminal child abuse hearing: \_\_\_\_/\_\_\_\_/\_\_\_\_

Total cases where defendant's relationship to child(ren) is:

Father: Mother: Step-father: Step-mother: Other relative: Other (including mom's boyfriend):

Total cases where legal representation for defendant was by:

Private attorney: Court appointed attorney: No attorney: Other:

Summary of Criminal Cases

	Case 1	Case 2	Case 3	Case 4	Case 5	Case 6	Case 7	Case 8	Case 9
Case type	1 - Misdemeanor 2 - Felony 3 - Probation violation	1 - Misdemeanor 2 - Felony 3 - Probation violation	1 - Misdemeanor 2 - Felony 3 - Probation violation	1 - Misdemeanor 2 - Felony 3 - Probation violation	1 - Misdemeanor 2 - Felony 3 - Probation violation	1 - Misdemeanor 2 - Felony 3 - Probation violation	1 - Misdemeanor 2 - Felony 3 - Probation violation	1 - Misdemeanor 2 - Felony 3 - Probation violation	1 - Misdemeanor 2 - Felony 3 - Probation violation
Dates of filing:									
Number of hearings:									
Continuances									
Outcome	1 - Dismissed 2 - Guilty/no contest 3 - Trial/guilty 4 - Trial/ not guilty 5 - Pending 6 - Probation revoked 7 - Other	1 - Dismissed 2 - Guilty/no contest 3 - Trial/guilty 4 - Trial/ not guilty 5 - Pending 6 - Probation revoked 7 - Other	1 - Dismissed 2 - Guilty/no contest 3 - Trial/guilty 4 - Trial/ not guilty 5 - Pending 6 - Probation revoked 7 - Other	1 - Dismissed 2 - Guilty/no contest 3 - Trial/guilty 4 - Trial/ not guilty 5 - Pending 6 - Probation revoked 7 - Other	1 - Dismissed 2 - Guilty/no contest 3 - Trial/guilty 4 - Trial/ not guilty 5 - Pending 6 - Probation revoked 7 - Other	1 - Dismissed 2 - Guilty/no contest 3 - Trial/guilty 4 - Trial/ not guilty 5 - Pending 6 - Probation revoked 7 - Other	1 - Dismissed 2 - Guilty/no contest 3 - Trial/guilty 4 - Trial/ not guilty 5 - Pending 6 - Probation revoked 7 - Other	1 - Dismissed 2 - Guilty/no contest 3 - Trial/guilty 4 - Trial/ not guilty 5 - Pending 6 - Probation revoked 7 - Other	1 - Dismissed 2 - Guilty/no contest 3 - Trial/guilty 4 - Trial/ not guilty 5 - Pending 6 - Probation revoked 7 - Other
Date of outcome	/ /	/ /	/ /	/ /	/ /	/ /	/ /	/ /	/ /

Did the court order any of the following in connection with any criminal case? If ordered, was the service completed?

	Check if ordered	Ever completed?			
Psych evaluation	_____	1- Yes	2- No	3- In progress	4 - DK
Drug/alcohol evaluation	_____	1- Yes	2- No	3- In progress	4 - DK
Drug/alcohol testing	_____	1- Yes	2- No	3- In progress	4 - DK
Drug/alcohol treatment	_____	1- Yes	2- No	3- In progress	4 - DK
Restraining order/Stay away order	_____	1- Yes	2- No	3- In progress	4 - DK
Complete batterer's program	_____	1- Yes	2- No	3- In progress	4 - DK
Anger management	_____	1- Yes	2- No	3- In progress	4 - DK
Probation	_____	1- Yes	2- No	3- In progress	4 - DK
Mental health services/counseling	_____	1- Yes	2- No	3- In progress	4 - DK
Other	_____	1- Yes	2- No	3- In progress	4 - DK

Date of most recent criminal hearing: \_\_\_/\_\_\_/\_\_\_

## Summary across cases

Any evidence of duplicated services?

- 1 - No
- 2 - Yes

If yes, what services were duplicated?

- 1 - Psych evaluation
- 2 - Drug or alcohol evaluation
- 3 - Drug or alcohol treatment
- 4 - Mental health counseling
- 5 - Domestic violence treatment
- 6 - Anger management
- 7 - Other \_\_\_\_\_

What cases were these services related to?

- 1 - Dependency
- 2 - Delinquency
- 3 - Dissolution
- 4 - Domestic violence
- 5 - Criminal child abuse
- 6 - Non-abuse felony
- 7 - Non-abuse misdemeanor
- 8 - Other \_\_\_\_\_

Any evidence of contradictory orders being entered?

- 1 - No
- 2 - Yes

What cases were these orders related to?

- 1 - Dependency
- 2 - Delinquency
- 3 - Dissolution
- 4 - Domestic violence
- 5 - Criminal child abuse
- 6 - Non-abuse felony
- 7 - Non-abuse misdemeanor
- 8 - Other \_\_\_\_\_

Date of most recent hearing of any type: \_\_\_\_/\_\_\_\_/\_\_\_\_





This document is a research report submitted to the U.S. Department of Justice. This report has not been published by the Department. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

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