

CCJ/COSCA FAMILY JUSTICE INITIATIVE



Demonstration Site Report: King County

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The Family Justice Initiative (FJI) is guiding courts toward improved outcomes for families, while managing costs, controlling delays and facilitating healthy outcomes.

FJI is a partnership of the National Center for State Courts (NCSC), the Institute for the Advancement of the American Legal System (IAALS), and the National Council of Juvenile and Family Court Judges (NCJFCJ). It is overseen by the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) and supported with a grant from the State Justice Initiative (SJI).



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King County COVID-19 Response

Updated September 30, 2020



The Family Justice Initiative (FJI) selected the Family Division of King County (Seattle and Kent locations) as one of four national pilot sites due to their history of innovative responses for handling family cases. With strengths such as staffing and services, experienced family court leadership and user-centered case management practices as described in greater detail in this report, King County presented itself as a court capable of successfully implementing FJI Principles or building upon the Principles already in existence there.

In working with King County as a demonstration site, NCSC found that King County's Superior Court already implements several strategies that are aligned with the FJI Principles and serve to support families throughout their domestic relations case. Examples of the 13 Principles in existence in King County include problem-solving approaches. For example, the Simple Dissolution program endeavors to engage

parties without children early to resolve their cases amicably. Court staff and advocates are available to help families make decisions in their best interests. King County has a strong history of case management oriented towards the earliest possible resolution for parties, through status conferences, evaluation through Family Court Services and mediations through the Early Resolution Case Managers. King County and Washington State have created plain language forms and are working on an interface. High-quality judicial training is available through an experienced and dedicated Family Court staff. Community partnerships exist and King County has good case management data now, and the capacity to report data in a way that informs the application of the FJI principles.

As the state with the first confirmed case and community spread of COVID-19, King County was hit hard by the COVID-19 global pandemic as were jurisdictions across the nation. The Family Division faced major reductions in court operations, limited in-person appearances, and social distancing guidelines. The Court's committed leaders mobilized to develop solutions to the new challenges. The Court quickly engaged in discovering new ways to connect with the public in creative ways. Now engaged in active reengineering efforts, King County's Judge Helson has stated that the Court hopes to use FJI thinking as a springboard to reimagining their Future of Family Law Committee, which will involve internal and external partners.

Simplification and Informal Domestic Relations Trials

As of March 2020, through the leadership of Chief Judge Janet Helson, Court Administrator Jorene Reiber and Family Law Manager Jamie Perry, the Court had begun considering how court processes could be simplified to enable parties' greater access to court processes. The Court re-wrote its case schedule, which serves as a guide to parties as to the next case events, in plain language to ensure that court users could understand and engage in processes.

King County has just adopted and will be implementing a rule to allow for Informal Family Law Trials. First in Oregon and now Alaska, the concept of Informal Domestic Relations has proven beneficial in expediting issues requiring calendar space and helping parties engage meaningfully. More information on IDRTs is available here:

[https://drive.google.com/file/d/1zq6OkptR6sm_vGUwtEXUa-7zGljN_tNp/view?usp=sharing.](https://drive.google.com/file/d/1zq6OkptR6sm_vGUwtEXUa-7zGljN_tNp/view?usp=sharing)

Online Access

Through their dedicated court staff, the King County Courts never closed; rather, the Court transitioned services to the virtual environment, with court staff walking parties through processes remotely. The court also increased and improved communication with parties to ensure that cases did not languish. The Court increased use of remote proceedings via phone and web, resulting in improved appearance rates by parties.

Expansion of Judicial Assignments

King County expanded judicial assignments, having judges hear the extremely busy commissioner calendars in order to prevent backlog and to share caseload court-wide. The Court has also trained both UFC and non-UFC Judges and their bailiffs to cover the domestic violence protection order calendar.

Court Space

The self help office switched to serving self represented parties by phone and email. This resulted in a much greater volume because parties were no longer required to come to the court in person to seek help. Forms and instructions were sent via email, mail or pickup outside the office. Additionally, forms and instructions were placed outside the office so that if litigants came to the court the most requested forms and instructions were available.

The early resolution case managers never quit mediating cases. They immediately switched to Zoom mediations which allowed cases to continue to resolve even during the pandemic. Additionally the court moved the compliance calendar to a paper review, eliminating the need for parties to appear. The Court is making further adjustments to the status/non-compliance calendar that it hopes will result in a more streamlined process once the pandemic is over.

Introduction



In 2017, the National Center for State Courts (NCSC) with support from the State Justice Institute launched the Family Justice Initiative (FJI) Project to evaluate and improve the way state courts handle domestic relations cases. The Institute for the Advancement of the American Legal System (IAALS) and the National Council of Juvenile and Family Court Judges (NCJFCJ) partnered with NCSC on this important project. This partnership resulted in the first landscape of domestic relations cases with a national scope, reported in [*The Landscape of Domestic Relations Cases in State Courts*](#). Based on the findings of the landscape report, the FJI Advisory Committee developed 13 recommendations for family justice reform, contained in the [*Family Justice Initiative: Principles for Family Justice Reform*](#) and the supplemental [*A Model Process for Family Justice Initiative Pathways*](#). To test the practicality and effectiveness of these recommendations, four courts ranging in geographical location and size will pilot the recommended principles to demonstrate their feasibility in practice and effects on key outcomes for domestic relations cases.

The Superior Court of Washington in King County (Seattle) was one of the first courts nationally to be selected as one of the pilot sites for the FJI Principles. Not only did King County Superior Court provide case management data for the *Landscape* report, but King County has a history and reputation for implementing trauma-informed and innovative approaches to assisting families in court. With strengths described in greater detail below such as staffing and services, experienced family court leadership and user-centered case management practices, King County presented itself as a court capable of successfully implementing FJI Principles or building upon the Principles already in existence there.

The NCSC evaluation team partnered with King County Superior Court to assess current practices and identify opportunities for improvement of family case processing. NCSC and King County participated in several introductory conversations, NCSC administered a Readiness Assessment and conducted a site visit in October 2019, gathering a great deal of information about family processes in King County.

NCSC found that King County's Superior Court already implements several strategies that are aligned with the FJI Principles and serve to support families throughout their domestic relations case. Examples of the 13 Principles in existence in King County include problem-solving approaches. For example, the Simple Dissolution program endeavors to engage parties without children early to resolve their cases amicably. Court staff and advocates are available to help families make decisions in their best interests. King County has a strong history of case management oriented towards the earliest possible resolution for parties, through status conferences, evaluation through FCS and mediations through ERCMs. King County and Washington State have created plain language forms and are working on an interface. High-quality judicial training is available through an experienced and dedicated Family Court staff. Community partnerships exist and King County has good case management data now, and the capacity to report data in a way that informs the application of the FJI principles.

NCSC also noted areas for consideration. After the October visit, King County decided to reevaluate its processes. The Superior Court also decided to reframe the case schedule to emphasize non-adversarial case resolution processes. King County has reconvened its Family Solutions Committee in order to

perform a systemic review of existing processes and to chart a course for future reforms. NCSC applauds these efforts as ones that will contribute to the effective functioning of the Court while potentially reducing some unnecessary complexity. To assist King in its ongoing conversations, we here present these particular recommendations for consideration by the Family Solutions Committee.

- 1. Convene a multidisciplinary committee to lend comment on these recommendations and establish a charter.**

Principle 10 speaks to the importance of community partnerships, in order to provide services as well as to inform reform efforts. “Expanding access to justice requires innovation and moving past the idea that an attorney or a courtroom is the best or only solution for [people]. Partnering across legal, social services, medical and information providers to address the array of justice needs that people face may be the key to the early detection, diagnosis and intervention necessary to empower [people] to solve their problems before they find themselves in the legal system.”

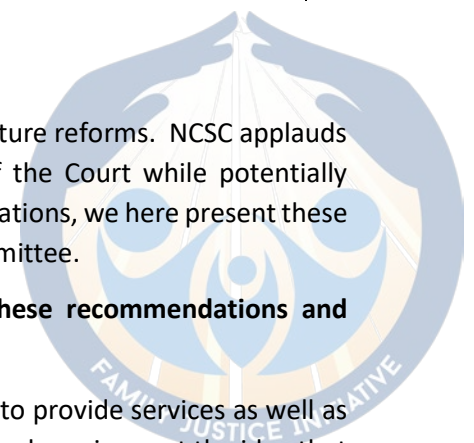
NCSC knows that King County was planning to reconvene the Family Solutions Committee well before this report was provided. We would only add that this committee should be broad-based and reflective of the community, with a strong emphasis on lived experience so that any reforms undertaken will center on the needs of the families the Court seeks to serve.

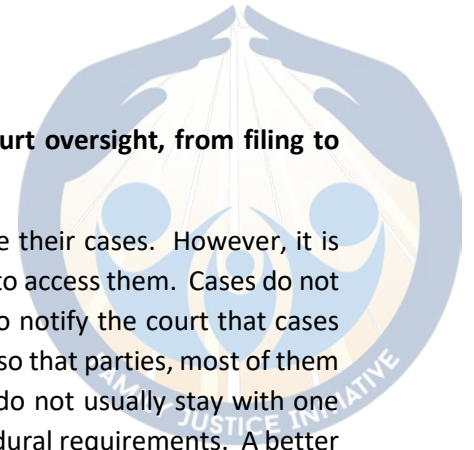
- 2. Conduct a full business process/simplification analysis.**

Once the above committee is convened and charged, we recommend that King County engage in a thorough business process analysis and simplification effort. NCSC noted some duplication of services. It also took some effort for the outside consultants, experienced in working with courts, to understand the interplay of the various processes. This would indicate that members of the public would labor to understand processes too. Business process simplification is intended to engage frontline stakeholders to improve their own processes to remove unnecessary steps and streamline government services, maximizing service and reducing inefficiencies. To provide one court example, the New York Courts have applied a Six Sigma process that has resulted in significant court efficiencies while producing measurably improved outcomes for children and families.

- 3. Establish a data dashboard.**

The 2018 Landscape report revealed that courts do not have good access to information to manage family cases. King County was able to supply more of the requested data elements than many others for that report. Better yet, the Clerk’s Office reports the ability to create specialized reporting as recommended below. Access to good management information is essential to measuring the impact of any process reform. Most family courts struggle to use data meaningfully, but King County has the capacity to do so. Further, easy access to information is a necessary component of the type of project management above and will give real-time feedback on the efficacy of reform efforts.





4. Implement case management strategies that allow for greater court oversight, from filing to resolution.

King County provides a number of services to parties to help them navigate their cases. However, it is incumbent on the parties to understand what these processes are, and how to access them. Cases do not currently receive ongoing oversight from filing to resolution, with ticklers to notify the court that cases are languishing. Rather, the Court relies on a Confirmation of Issues process so that parties, most of them self-represented, will indicate that the case is ready to go forward. Cases do not usually stay with one judge or courtroom so it is not uncommon for cases to languish or fail procedural requirements. A better solution would be to explore how each relevant case could be considered for a pathway at filing and monitored until the cases resolve. It is true that this requires staffing, but oversight of cases may eliminate churn at later intervals.

After King County Superior Court decides which changes to implement, the NCSC evaluation team will conduct a process and preliminary outcome evaluation. The objective of this evaluation is to consider the impact of process simplification and to assess the effectiveness of the FJI recommendations in practice.

Background

The Unified Family Court in King County, established in 2000, handles all family law matters where children are involved, including: divorce or legal separation with children, parenting, paternity, child or spousal support, and domestic violence. Divorce in Washington is called Dissolution of Marriage. There is a mandatory 90 day waiting period for divorces.

Chief Judge Janet Helsen assumed leadership of the Unified Family Court in King County in January 2020, taking over for former Chief Judge Tanya Thorpe. Seven additional judges and six commissioners oversee proceedings in two court locations: one in downtown Seattle and the other in nearby Kent. Judges rotate assignments every two years, and commissioners are employed by the court without term limits. Commissioners are assigned to family law dockets to resolve pre-trial motions.

In the past, King County tried to use a case management approach with high-conflict domestic relations cases. They ended the program when it resulted in too much staff time and resources being focused on too few litigants. In April 2017, the Early Resolution Case Managers piloted a program called First Door that met with satisfaction by parties and court staff alike. The Case Managers sat in the Clerk's office to immediately respond to questions and review completeness of forms. Interviewees spoke very favorably about First Door. They suggested it was effective because it was mandatory participation in that they saw every pro se at filing, proximity to the clerk, and there was a dedicated resource. Although this pilot was successful in many ways, the court does not have the staff resources and capacity to continue it. Interviewees offered several examples of how they know that a case will be "high-conflict," including: multiple attorneys, multiple motions filed, hours spent in the FLIC, and the way that they interact with court staff.

Methods and Data

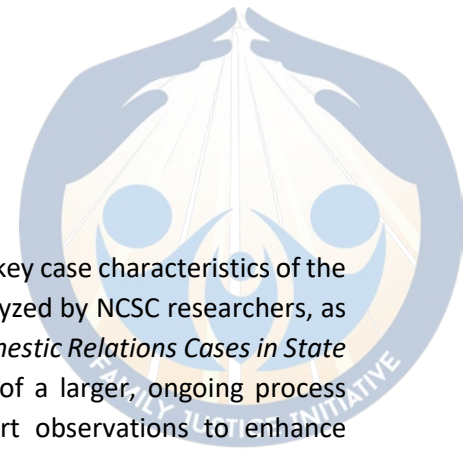
A comprehensive assessment was conducted of the current operations and key case characteristics of the United Family Court in King County. Case-level data was extracted and analyzed by NCSC researchers, as well as court and community characteristics as part of *The Landscape of Domestic Relations Cases in State Courts*. The NCSC evaluation team conducted an initial site visit as part of a larger, ongoing process evaluation of the court. The team used in-person interviews and court observations to enhance understanding of court operations and any potential points of intervention. Key players were identified prior to the site visit and were interviewed where possible. A process map was drafted to outline the key procedural events and case process under local rules and practices. The following sections provide an overview of each method and the findings.

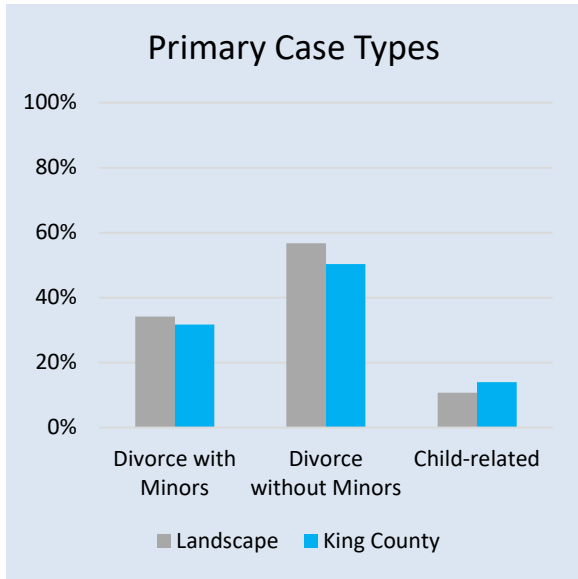
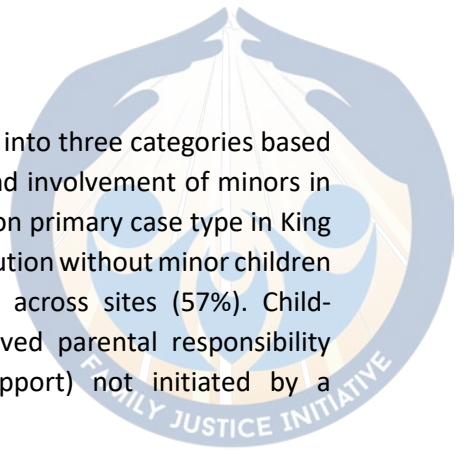
Landscape data

King County Superior Court was a participant of *The Landscape of Domestic Relations Cases in State Courts*. The *Landscape* provided a national scope of domestic relations cases, highlighting primary case characteristics and common procedures across 11 large, urban family courts. Results of the *Landscape* informed the 13 principles for reform in domestic relations cases adopted by CCJ and COSCA in 2019.

All participating courts provided case-level information about family court cases disposed between July 2016 and June 2017, involving divorce/dissolution or annulment, related property distribution and spousal support, and the allocation of parental rights and responsibilities, including custody/visitation and child support. To ensure a well-rounded examination of litigation in family court cases, the involved three separate levels of analysis: case-level, court procedures and operations, and community characteristics.

The tables and charts presented here include comparisons between the United Family Court of King County and the aggregate across all courts included in the *Landscape* report. King County represented five percent of the total *Landscape* caseload.

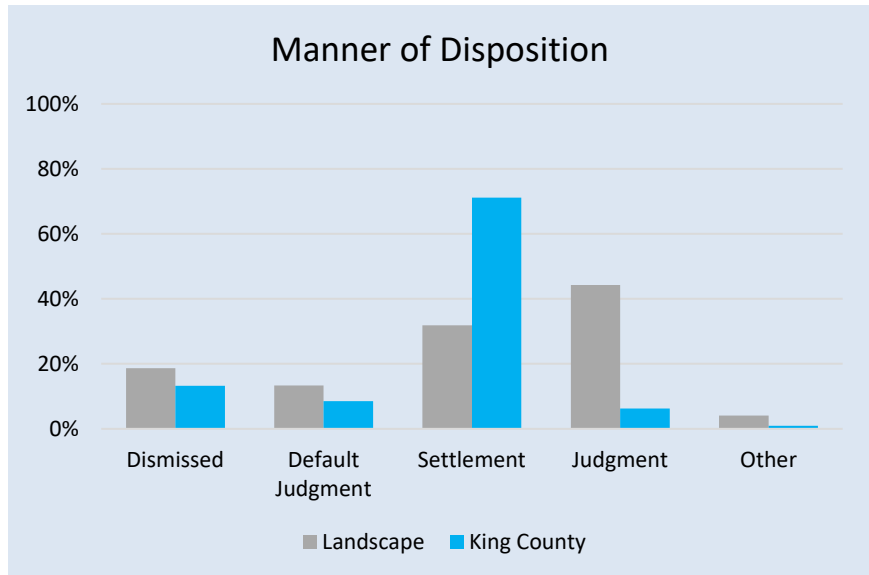


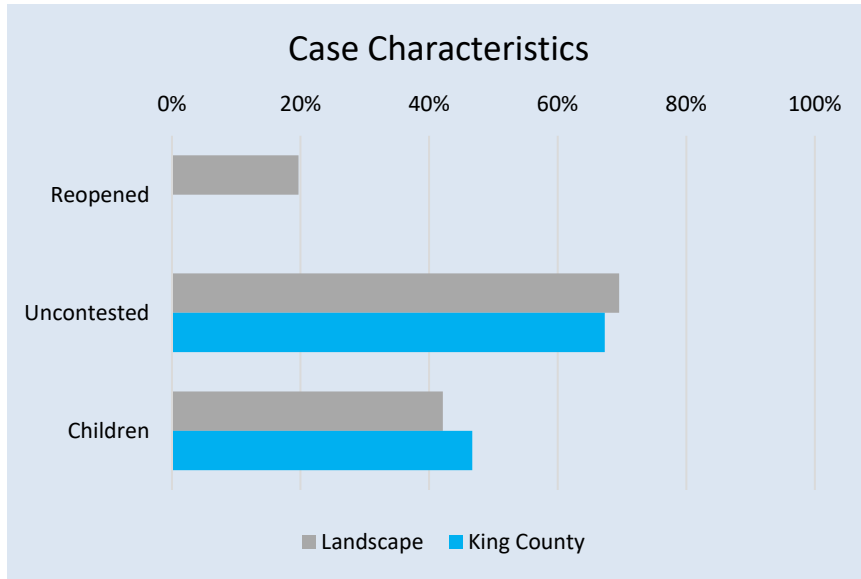
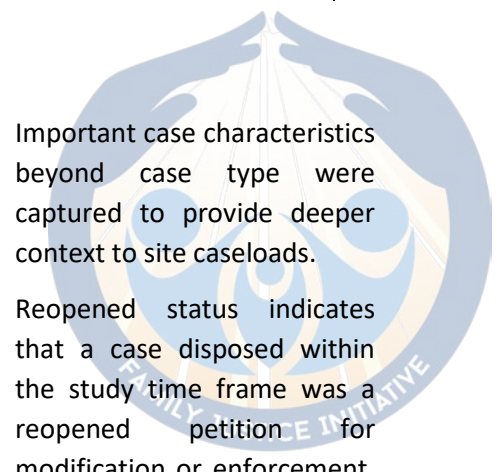


Case types were collapsed into three categories based on divorce/non-divorce and involvement of minors in the case. The most common primary case type in King County was divorce/dissolution without minor children (51%), which was similar across sites (57%). Child-related cases (14%) involved parental responsibility (e.g., paternity, child support) not initiated by a divorce/dissolution case.

Overall, divorce/dissolution regardless of presence of minor children was the most prevalent case type across all sites (78% King County, 66% Landscape).

King County had a higher rate of settlements (71%) and lower rate of judgments (6%) compared to the Landscape sites overall (32%, 44% respectively). This is most likely due to King County’s ability to capture settlements compared to other sites, which were only captured as judgments in sites without this capability to determine if a settlement was part of the disposition.





Important case characteristics beyond case type were captured to provide deeper context to site caseloads.

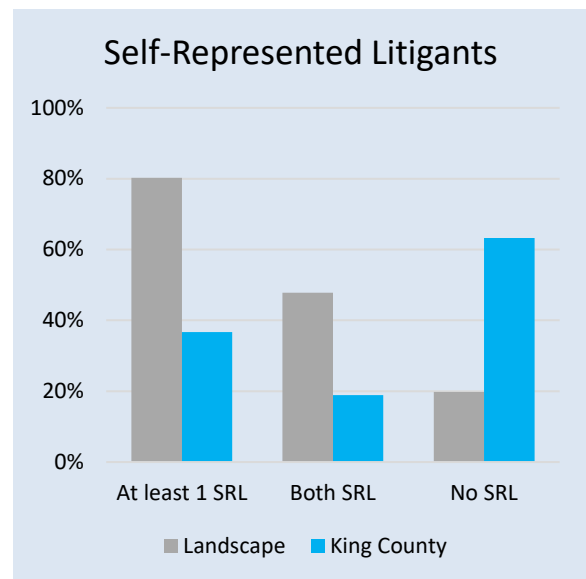
Reopened status indicates that a case disposed within the study time frame was a reopened petition for modification or enforcement. Initial petitions were counted separately. King County could not provide reopened status due to CMS restrictions. Overall, about 20% of all *Landscape* cases were

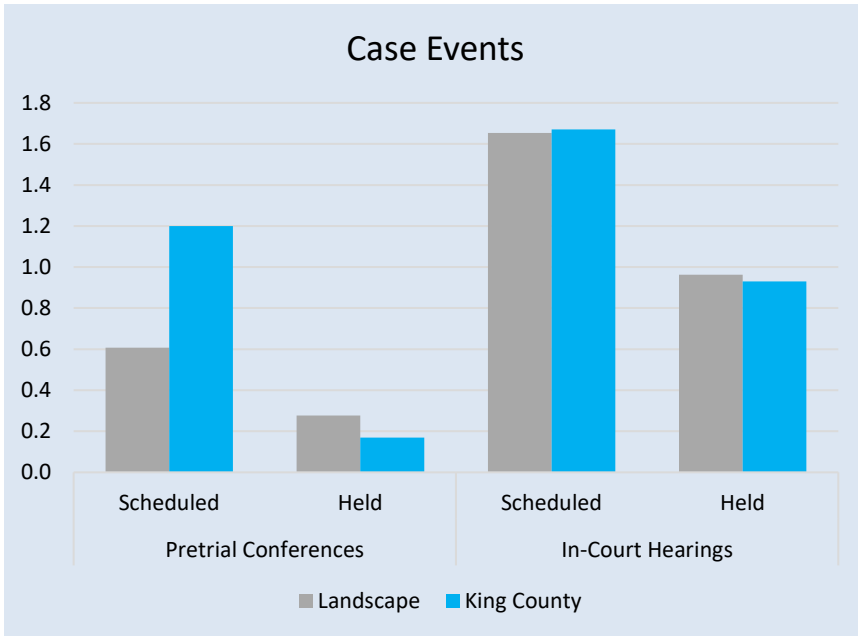
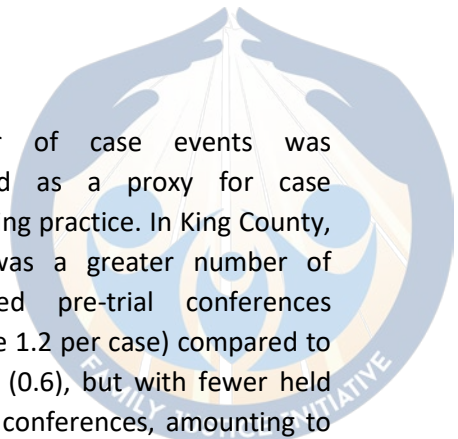
reopened petitions. Contested status was similar between King County (33% contested) and the *Landscape* overall (31% contested). The proportion of minor children involved in cases was somewhat higher in King County (47%) compared to all sites (42%).

A large proportion of self-represented litigants (SRL) was expected to be a key finding across the *Landscape*. This was confirmed, though was not as pronounced in King County as in other sites. In over 60% of cases in King County, both parties were represented (no SRL). About 20% of cases had no legal representation on either side (both SRL).

Contested status made a difference in the proportions of party SRL status in King County, in the expected direction (*Contested cases*: 73% no SRL, 13% both SRL; *Uncontested cases*: 59% no SRL, 25% both SRL).

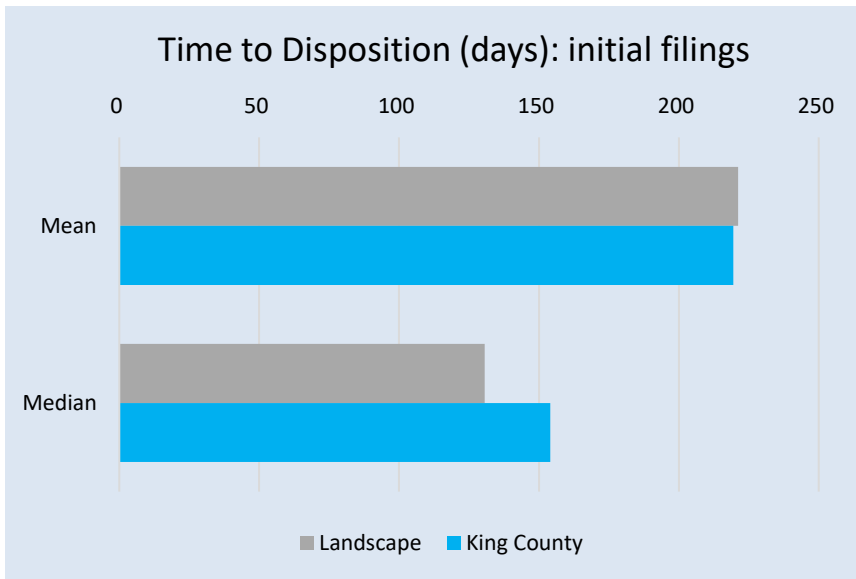
Interestingly, cases with minor children had greater numbers of SRL (*With minor children*: 30.5% no SRL, 42% both SRL; *Without minor children*: 92% no SRL, 2% both SRL).





Number of case events was captured as a proxy for case processing practice. In King County, there was a greater number of scheduled pre-trial conferences (average 1.2 per case) compared to all sites (0.6), but with fewer held pretrial conferences, amounting to about 17% of all scheduled pretrial conferences being held.

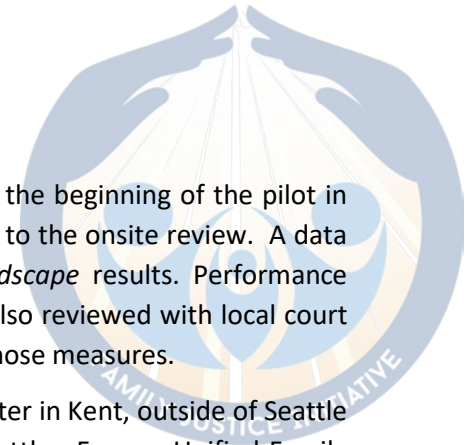
In-court hearings were similar between King County and the Landscape overall, about 1.7 hearings scheduled per case and around 1 hearing held per case (59%).



Time to initial disposition was measured to assess the amount of time a typical domestic relations case takes to move through the system in each Landscape site.

Mean (average) and median (50th percentile) was used to compare King County to the Landscape sites overall, finding that King was similar to the overall mean (219 and 221, respectively) but was somewhat higher compared to the median (154 and 131, respectively).

One limitation of this measure is the inability to capture whether a case is an initial filing or reopened, which means all King County cases were used in this analysis compared to only initial filings in the other Landscape sites



On-Site Visit

The NCSC evaluation team conducted an initial site visit and interviews at the beginning of the pilot in October 2019. King County completed the [FJI Readiness Assessment](#) prior to the onsite review. A data briefing was reviewed with the court stakeholders, based on their *Landscape* results. Performance measures laid out in [Considerations for FJI Performance Measures](#) were also reviewed with local court leadership, who were optimistic that they could capture data to calculate those measures.

The site visit occurred October 14, 2019 at the Maleng Regional Justice Center in Kent, outside of Seattle and October 15-16, 2019 at the King County Courthouse in downtown Seattle. Former Unified Family Court Chief Judge Thorpe, Jorene Reiber, the Director of Family Court Operations, and Jamie Perry, Family Law Manager, hosted the visit and provided a great deal of information on the history and current practices within the Family Court. In Kent, project staff interviewed Commissioners Laird and Johnson Taylor and the Early Resolution Case Managers (ERCM). They also observed the final decree and status/non-compliance calendar. In Seattle, project staff interviewed Commissioners Ponomarchuk, Schaefer, and Lack, Family Court Services Manager Connor Lenz, Director and Superior Court Clerk Barbara Miner, Colleen McIngalls, Program Manager for the Protection Order Advocacy Program, and Sandra Shanahan, Program Manager from the DV Firearms Unit. NCSC observed the Family Law Motions and Weapons Surrender Calendars. The team also interviewed Judge Janet M. Helson who assumed leadership of the court in January 2020.

Key Players

Judicial Officers

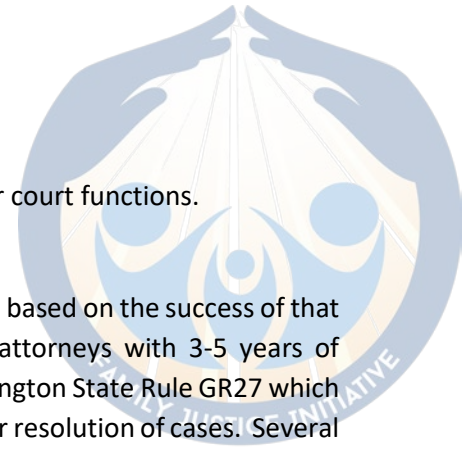
Judges rotate every two years. They can continue in the Unified Family Court, however, interviewees said that there has been high turnover in the past few years. Some interviewees thought that the rotation schedule was a barrier, while others thought that it was necessary due to the complex nature of the cases. There is a three-day judicial officer orientation each year for Unified Family Court Judges, and several other training opportunities.

Commissioners see primarily non-dispositive motions. Many of the commissioners have long term experience with domestic relations cases. They enter decisions, and judges can revise the decisions. In interviews, commissioners and others stated that cases are often continued because due to incomplete or incorrect paperwork. The Commissioners do not have the assistance of someone completing a checklist.

Judges have civil case specialists (CCCS) to help with their caseloads. Commissioners do not have this assistance.

Coordinators

Coordinators work for the Commissioners in court. They assist with calling the hearings, processing paperwork and checking in parties. They review motions, ensure parties confirm their motions and arrange the Commissioners' calendars. They are very busy with the day to day functioning of the court.



Civil Case Specialists

Civil Case Specialists oversee the judges' overflow trials and assist with other court functions.

Early Resolution Case Managers

The court started an Early Resolution Case Manager (ERCM) pilot in 2008 and based on the success of that position, brought on additional staffing in 2011. ERCMs are family law attorneys with 3-5 years of experience. There are two in each courthouse. They are protected by Washington State Rule GR27 which protects them from claims of unauthorized practice of law. Their goal is faster resolution of cases. Several interviewees noted that the ERCM fulfill several roles in the court and have a wide range of responsibilities.

The ERCMS provide significant assistance to parties. They help with drafting documents and connecting litigants to resources. They do the Family Law Orientation (FLO), an hour-long class required to pro se litigants. They are present for the status/non-compliance calendar that occurs 140 days after filing, where they connect with pro se litigants who need assistance moving their case forward. They complete a comprehensive checklist for the status/non-compliance calendar.

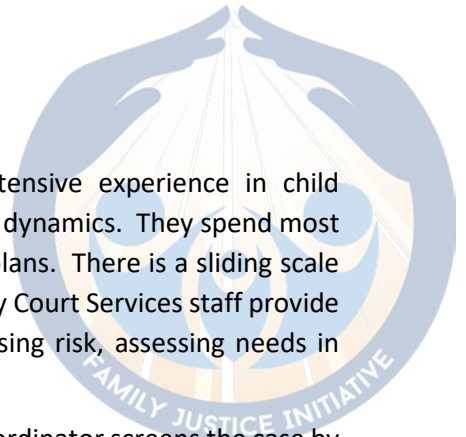
ERCMS also perform mediation for double pro se parties for all issues, including drafting and finalizing parenting plans. There is no charge for mediation with ERCMS.

A question raised by King County is how ERCMS can identify cases appropriate for the Simplified Pathway even sooner. Stacey Marz, director of the Alaska Courts, suggests that courts not create additional forms or screening processes but rather incorporate screening factors into the same forms that parties are already supplying to the court to determine if the case is amenable to a Simplified Pathway. Factors that Alaska has found as indicative of a Simplified pathway are:

- length of marriage (longer)
- length of separation (longer)
- no significant property and/or debt
- age(s) of children (older)
- existing arrangement re: decision making and parenting time
- No domestic violence history or allegations
- No location/relocation issues

In terms of procedure, an ideal time to assess parties for other pathways is during the FLO. This has been tried. Several years ago, they gave all parties a survey at the end of the FLO asking whether they liked the program and "if you have agreement, would you like help drafting final orders?" If parties answered affirmatively, they would have the Coordinator schedule mediation with them. It was a less than ideal experience because they were super high-income parties that needed a lot more help figuring out financials. A couple of ideas that could be considered would be to refer parties out to mediators or decision-makers.

It may also be possible for the status and non-compliance conference deadline to be moved up. To do so would not add additional workload, and it could be helpful to identify pathways sooner and help parties get what they need to resolve their cases.



Family Court Services

Family Court Services is staffed with 10.75 master level staff with extensive experience in child development, substance abuse, child welfare, domestic violence, and family dynamics. They spend most of their time conducting court ordered evaluations and drafting parenting plans. There is a sliding scale fee for the evaluations and for parenting plan mediations. In addition, Family Court Services staff provide a 3.5 hour class to parents every week. They are also called in for assessing risk, assessing needs in domestic violence cases, and conducting CPS Status Reports for the court.

When a Confirmation of Issues is filed for a case involving children, a case coordinator screens the case by running a criminal history and looking to see if there was a protection order. If there is a history of domestic violence or a protection order, Family Court Services will not mediate. If there are children involved and no history of domestic violence or a protection order, Family Court Services mails the litigants a packet of paperwork describing the services. Litigants can opt-in to Family Court Services or can be ordered by the court.

Family Court Services is providing a broad and customer-centered array of services that appeared to be well regarded by parties interviewed. Judges expressed, and FCS agreed, that one of their most important and time-consuming tasks was the creation of the judicial officer ordered evaluations.

An issue was raised is that sometimes parties are confused by services offered by Family Court Services and others. For example, parties may complain about having had to pay for mediation through Family Court Services but not through an ERCM. Another possible duplication in services is that FCS is screening all of the Confirmation of Issues, many of which have already been completed by the ERCMs. The NCSC team perceives this as a duplication of efforts and recommends the issue for a business process simplification analysis.

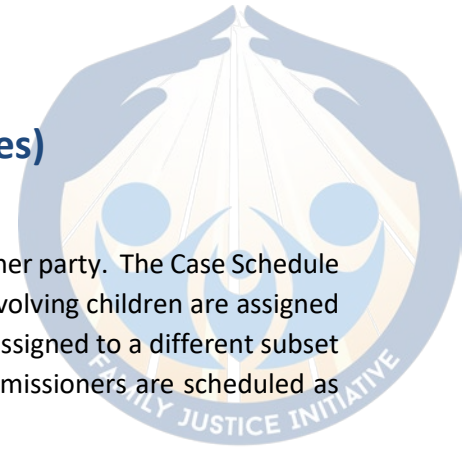
This indicates an opportunity to adjust or clarify responsibilities within FCS and the rest of the Court. Doing so may allow FCS to focus on evaluations to a greater degree.

Family Law Facilitators

Family Law Facilitators are paralegal level staff, and the court has five full time staff. They work in the Family Law Information Center (FLIC) and provide guidance with forms. Instructions for the forms are free, and most are available online. There are 96 different instructions that are updated in every annual legislative session. They used to have Spanish translations, but the statewide forms changed, and King County is in the process of translating all the instructions.

Domestic Relations Bar

Interviewees described the Unified Family Court having a good working relationship with the Domestic Relations Bar. Judge Thorpe attends regular meetings with the bar. Judicial officers stated that they sometimes need to encourage attorneys to be proactive and not wait for deadlines on the case schedule. Interviewees suggested that some attorneys have built their practice around the case schedule deadlines.



Process map (statutes, court rules, business practices)

At Filing

The Case Schedule is issued by the clerk's office at filing and served on the other party. The Case Schedule manages the pace of litigation and assigns a judge and a trial date. Cases involving children are assigned to a Unified Family Court judge for trial; divorce cases without children are assigned to a different subset of judges. Cases are randomly assigned to judges within the division. Commissioners are scheduled as available. Commissioners can keep a case, but generally, they do not.

There is not a deadline for service because different types of service (e.g., mail, publication, personal service) it would require a different timeline. Technically, there is not a rule that requires service at a certain time. When the other party is served, the summons states that the party has 20 days to respond depending on what kind of services. The clerks file the response in the file, and the court does not know there has been a response. Family Court Services does not know about the case until there is a Confirmation of Issues, and the ERCMs do not know about a case until the status conference unless the litigant proactively sought help from the FLIC or attended the FLO.

The trial date is typically 11.5 months after filing. Some interviewees thought that 11.5 months was a reasonable length of time, while others stated that there were several families whose divorce could be finalized before 11.5 months.

The Case Schedule has recently been updated to be in plain language. Some interviewees stated that the Case Schedule is confusing to litigants. Pro se litigants are not required to provide financials at the outset of their case.

King County decided to reframe the goal of the case schedule to be more resolution-oriented rather than a trial date. This is a laudable effort that may help to positively reframe party attitudes and behavior.

If Parties do not present as ready for a Simple Dissolution, the date for alternative dispute resolution should be scheduled at the time of response.

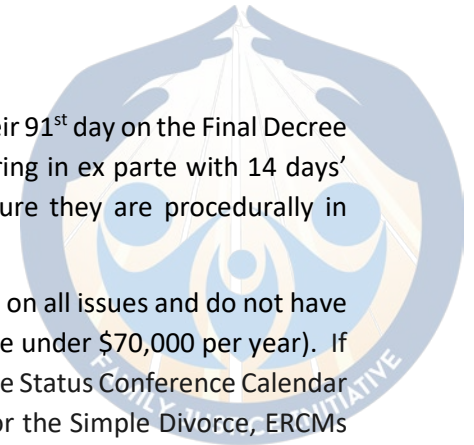
Family Law Orientation

Family Law Orientation (FLO) is a mandatory 1 hour class for pro se parties that is taught by ERCMs. Pro se parties must attend the FLO within 30 days of filing, however, there is no penalty if the parties do not adhere to the timeline. The FLO and the Parent Seminar are often scheduled together.

Parent Seminar

Parent Seminar is required across the state, and parents must attend within 60 days of filing. Topics include the impact of conflict on children. The parenting seminar is a 3.5-hour class facilitated by social workers who work in Family Court Services. There is a technically a \$35 penalty if the parties do not adhere to the timeline; however, the Parent Seminar must be completed to move forward with the proceedings.

Uncontested Pathway



When parties are in agreement from the beginning, they can schedule for their 91st day on the Final Decree Calendar. Any time after the initial filing, parties can schedule a final hearing in ex parte with 14 days' notice. The Family Law Facilitators review these files in advance to ensure they are procedurally in compliance and prepare a detailed checklist.

A Simple Divorce program is available to self-represented parties who agree on all issues and do not have children of the marriage and do not have significant assets (including income under \$70,000 per year). If the parties work with the facilitators, ERCMs will present agreed orders on the Status Conference Calendar without the parties needing to appear. Parties can fill out an application for the Simple Divorce, ERCMs will email final documents to the parties, parties sign and email back, and ERCMs present final orders on the Status Conference Calendar after the 90 day waiting period.

Confirmation of Issues

The Confirmation of Issues must be filed within 120 days of filing the petition. The Confirmation of Issues informs the court what steps have been completed in the case. The Confirmation is required to be filled out jointly, and it often does not happen until the non-compliance/status conference. When the Confirmation of Issues is filed, the clerk's office sends a list to Family Court Services who screens cases on the docket with children to determine if there is a parenting dispute. It is a King County form, not a state required form.

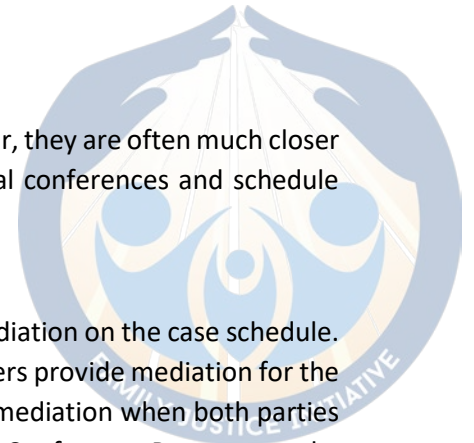
Interviewees were split in opinion on the usefulness of the Confirmation of Issues form. There have been attempts to revise or eliminate the process in the past, but the form is currently used to determine procedural readiness by the parties. However, parties often fail to comply, and a status conference will be set on their case schedule. The parties may think they have met all procedural requirements. Most people think they are in compliance and they are not. Parties get set for a noncompliance hearing if they do not appear to the status conference or their case is not substantially on track after the status conference.

Better results may be available through closer court oversight of cases and/or through a Pathway process.

Status Conference & Non-Compliance Calendar

The status conference, scheduled 140 days after filing, is often the first opportunities that ERCMs have to work with pro se parties to finalize the case or get the case in compliance for trial. Status conferences are heard at the same time as the non-compliance calendar, which is called for all cases that have not met the deadline for filing the Confirmation of Issues form and being in compliance with the case schedule. Non compliance are those that did not show or are not in compliance after they meet with them at status. For example, someone can come to status and a response needs to be filed, they will be set over for a default. Those who are ready for trial and have completed all required documentation report their status for trial readiness, while those who are missing documentation or are not ready for trial typically receive assistance from the ERCMs. The ERCMs report that this is where most Confirmation of Issues are being completed and filed.

Pre-Trial Conference



Pre-trial conferences are ideally held six to eight weeks before a trial; however, they are often much closer to a trial date. These are scheduled by the judges. ERCMs attend pre-trial conferences and schedule mediation with double pro se cases.

Mediation

Mediation is required by local rule unless waived. There is a deadline for mediation on the case schedule. Mediation can be fulfilled in several ways. Family Court Services social workers provide mediation for the parenting plan only, on a sliding scale fee (\$251 to \$1000). ERCMs provide mediation when both parties are self-represented for no fee. There is also a free Family Law Settlement Conference Program run by volunteer attorneys.

Data Systems

There is a statewide court data system (Odyssey), but King County has opted for their own system. The Clerk of the Court and her staff transferred to KCScript in 2018, and there have been some integration issues with the data exchange. The court has the ability to do e-service and e-filing. They are moving towards online scheduling and forms. Although all of the information is available electronically, many judicial officers still want their “working papers” to be prepared by the parties which is often confusing to parties.

The clerk’s office produces two reports of specific importance to FJI. On a quarterly basis, all judges get a quarterly report on their caseload and its size compared to other judges in their location. This report also includes data on matters before commissioners. It also provides a list of all of their cases by age of case. Counts of cases in the Unified Family Court are included in the court’s quarterly and annual report.

In consultation with the Clerk’s office, it appeared possible for specific key factors relevant to FJI implementation to be available in regular reports. These factors include Time to Disposition, Age of Active Pending Caseload. Number of events pre- and post- case has not been produced but it can be.

Process evaluation

A process and preliminary outcome evaluation will be conducted to assess changes to procedures and effects on key outcomes. The process evaluation will report information about the court pre-implementation (e.g., existing triage methods, staffing, technology, services/resources for court users) and post-implementation (e.g., rule reform, training, automation or new technology) to capture actual changes to the court’s procedures and resources for domestic relations cases. Two purposes of the process evaluation will be (1) documenting changes in policy and/or practice to the court’s management of domestic relations cases and (2) testing the fidelity of implementation processes, meaning measuring the extent to which the pilot’s intended changes were actually implemented and followed. In this case, this means King County’s alignment with FJI recommendations. Findings from the process evaluation will inform the outcome evaluation as well, providing the contextual background within which the pilot’s effects will be interpreted.

The evaluation will set forth the site's primary goal(s), document changes actually made, report feedback on the perceptions and impact of the changes, any adjustments made to policy or practice post-implementation and assessment of how those changes align with the Principles.



FJI Principles, Gaps, and Recommendations

Adopt a Problem-Solving Approach (Principles 1-4)

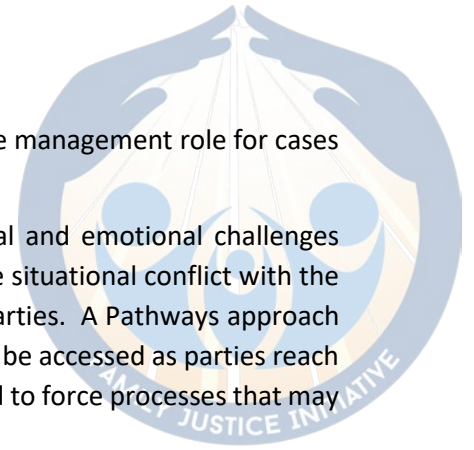
- Does trial court leadership (chief judge, court administrator, court executive committee) generally agree that the court is responsible for managing the pace of litigation in family court?
- Do judges assigned to the family court division agree that the court is responsible for managing the pace of litigation in family court?
- Does the local domestic relations bar agree that the court is responsible for managing the pace of litigation in family court?
- Is there disagreement within or among the above groups?

Interviewees agree that the court leadership believe that the court is responsible for managing the pace of litigation. The court policies are judge driven. The court has a good relationship with the Bar. Interviewees suggested that some attorneys pace their cases by the deadlines on the court calendar.

Recommendation: Reframe the case schedule so that the focus is on opportunities for ADR rather than a trial date. There is a precedent for the Clerk's office to send a list of Confirmation of Issues filed to Family Court Services; we recommend this approach be completed earlier in the process, perhaps at filing of a response. We would also recommend the scheduling of ADR at the time of response for cases meeting specific criteria, as outlined in the FJI Pathways document.

- Does the court have experience in problem-solving court processes (e.g., drug court, mental health court, domestic violence court, veterans' court)?
- Does trial court leadership broadly support this approach to case management?
- Does the trial bench broadly support this approach to case management?
- To what extent do trial judges have training or experience in problem-solving court procedures?
- To what extent do trial judges agree that parties in most family court cases are reasonable adults who are capable of making rational decisions in the best interest of their family?

The court has several functioning problem-solving courts. They tried having case managers for high-conflict cases, but, ultimately, did not feel as if it was the best use of the court's resources. Some of the judges acknowledged that some people need to take their time to get a divorce, and the court cannot



always control their emotional timeline. The ERCMs currently serve the case management role for cases that are likely to be resolve early.

Judges noted that sometimes parties need time to assimilate the practical and emotional challenges associated with dissolution. This is true. While some parties will experience situational conflict with the other party that would impact a Pathways decision, this is not true for all parties. A Pathways approach is necessarily flexible in order to provide information and processes that can be accessed as parties reach procedural readiness. Pathways are not designed nor should they be applied to force processes that may not be timely for the parties.

Recommendation: Reevaluate the perception that cases need time to resolve. While true for some parties, most studies conducted regarding parties’ perceptions state that parties feel that cases take too long to resolve.

- To what extent do the information and resources available to parties in family court cases encourage cooperation and problem-solving to reach workable solutions?
- Are information and resources easily understandable for individuals who do not have legal training or experience in court procedures?
- Does the court provide information and resources to support parties in the broad range of issues likely to arise in family court cases (e.g., financial management, mental health and counseling support, parenting support and child development education)?

The court offers several outstanding resources to help litigants navigate the system, including plain language forms and instructions and a childcare facility in the courthouse. There are many mediation resources available to litigants in King County; however, there is not a central point of intake. There is an opportunity to simplify the continuum of services available to reduce duplicative services and increase efficiency.

Recommendation: Apply the business simplification process to document services and processes and to identify opportunities for simplification.

- Does the court ensure that judges and court staff assigned to the family court have specialized training in managing cases involving domestic violence, child abuse, substance abuse, and other issues that merit closer judicial supervision?
- What screening tools does the court employ to identify risks to party and/or child safety and wellbeing? When and how are these screening tools employed?

The court has a comprehensive training curriculum for new judges and offers several training opportunities throughout the year. King County has a Confirmation of Issues form that is not completed until the status hearing. It screens for DV and child abuse and is used to determine if the case is appropriate for mediation or evaluation. The Confirmation of Issues form currently satisfies a couple of needs, but there is an opportunity to assess whether its functionality – or a similar tool – could be extended to screen for other services available to litigants and how the processed could be leveraged to drive earlier identification of litigants who need assistance.

Recommendation: Consider how the Confirmation of Issues form process could be extended or a similar process could be implemented to drive earlier identification of case needs.

- To what extent do family court self-help resources (forms, instructions, checklists, referrals) use plain language? Do resources exist to assist parties at every stage of the case?
- Are these resources available in languages other than English?
- Are all self-help resources available for download from the court's website? How easy or difficult is it to locate these materials online? Do online materials reflect the current version of forms, rules?

King County has plain language forms and instructions. The state requirements have limited the county's ability to keep up with language access needs. They have considered improvements to the website. As processes become simplified, the court will want to revisit issues related to language access and online resources.

Recommendation: It is recommended that King County re-evaluate the Confirmation of Issues form and process. It belongs to King County, leads to party confusion and compliance is uneven.

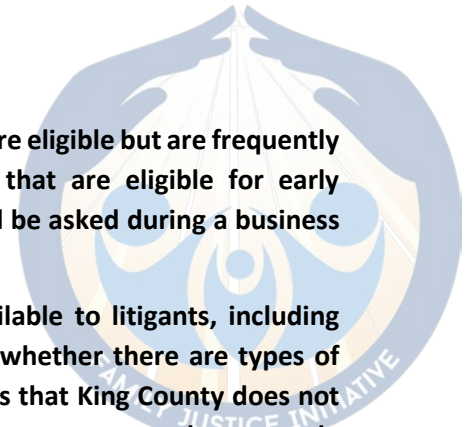
Triage Family Cases (Principles 5-8)

- Does the court currently employ some form of triage procedure on family court cases?
- If yes, what criteria are used to triage cases? How are these criteria documented in the case management system or case files?
- How transparent are triage decisions to parties?
- Given case and litigant characteristics in family court cases, are most cases assigned to the appropriate pathway for resolution? Why or why not?
- At what stage of the case is the triage decision made? Under what circumstances can the triage decision be modified?
- What kinds of resources and assistance are allocated for each pathway?

There is a great opportunity for the court to implement a triage model. The current model requires litigants to opt-in to services. A triage model, on the other hand, proactively guides litigants to the appropriate pathway. The court previously had a successful pilot of early screening but did not have the resources to continue it. The pilot also included substantial partnership with the Clerk's Office.

Recommendation: Assign a steering committee of judges, commissioners, ERCMs, and FCS staff to define a streamlined, tailored, and specialized pathway. As part of this work, document the case characteristics that indicate that a case would benefit from additional oversight. Determine whose responsibility is it to conduct the screening and direct the case. Develop a screening tool that identifies and flags these factors and assigns cases to a pathway. Then, for each pathway, identify the case management needs as well as the service needs. Consider using different case calendars for different tracks.

For example, the court already has a range of case management and services available to cases that can be streamlined: Are there services that are missing or services that are duplicative? Several cases are



already being identified for early resolution – are there types of cases that are eligible but are frequently missed? Consider the earliest possible opportunity to identify cases that are eligible for early resolution: Is it at response? At the FLO? These are questions that should be asked during a business process simplification analysis.

It would also be important to list all of the ADR resources already available to litigants, including specialty processes like domestic violence shuttle mediation, to identify whether there are types of mediation that are not currently available, but needed. NCSC understands that King County does not refer out to external mediators or special masters, as is the exercise in many courts, and can greatly assist with resolving cases for parties with some means and a desire to resolve their cases expeditiously.

As you determine the specialized pathway, consider documenting a judicial philosophy for domestic relations cases that have high degrees of conflict. Documenting not only the process for monitoring these cases, but also the philosophy for how they should be managed provides a foundation for judges who may be need to domestic relations issues. Specialized cases often include service coordination and may benefit from a case coordinator who can monitor progress on internal court services, like evaluations, as well as court referral to community-based services. All judicial officers should be well-versed in available services as well as best practices in critical issues such as identifying domestic violence.

- Do state statutes or local court rules require parties to appear in person in court before a final judgment can be entered in a family court case?
- Do judges generally require parties to appear in person before a final judgment can be entered?
- What criteria must be satisfied for a final judgment to be entered without a personal appearance?
- Do judges or experienced court staff review cases to ensure complete documentation before hearings take place?

King County has multiple processes in place to facilitate divorce agreements without a court appearance. Facilitators or ERCMs are responsible for reviewing documents. If more staffing were available, either through process simplification, increased funding or some combination thereof, King County staff could review cases sooner and establish a pathway for cases, and an oversight process for ensuring that cases resolve.

Interviewees indicated that currently no one reviews paperwork for the commissioners. This impacts the commissioners' ability to move the case forward and may result in continuations or misuse of valuable judicial officer time.

Recommendation: Through the business simplification process and the development of the pathways, keep an eye towards changing responsibilities. For example, perhaps a facilitator reviews the documents at the time of the confirmation of a motion and when the hearing occurs in two weeks.

- What techniques does the court employ to encourage parties to collaborate and engage in problem-solving approaches to dispute resolution?
- Is alternative dispute resolution available to parties? Are fees charged for these services? What types of training or experience is required for ADR professionals? Are ADR professionals court staff, private contractors, or volunteers?
- Are judges amenable to entering temporary orders on uncontested or agreed issues while the parties continue to negotiate on disputed issues? Or do judges prefer to wait until all issues are fully resolved before entering judgments?

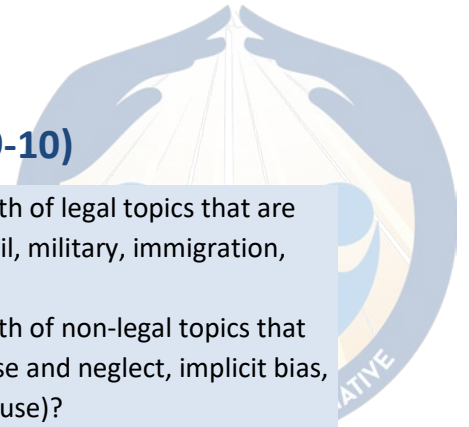
ADR is required in all cases by local rule, unless waived, and there are several mechanisms for ADR available to litigants. When both parties are unrepresented, ERCMs can mediate at no cost. Family Court Services social workers provide mediation on the parenting plan for a sliding scale fee. There are also mediation services available in the community. In the interviews, there was a reoccurring theme of the desire to move ADR earlier in the case.

Recommendation: Once the pathways are determined and described, identify opportunities to provide ADR earlier in the case. This might be done by adjusting the case calendars for streamlined cases to have an earlier goal date for mediation.

- What types of resources are available to parties in cases involving high levels of conflict or other cases that merit greater levels of judicial involvement and oversight?
- Do judges and court staff have specialized training on techniques to manage cases involving domestic violence, child abuse/neglect, substance abuse, and other issues that may impede parties' ability to resolve disputed issues fairly and reasonably?

Judges and court staff are well trained and have access to several training opportunities. There are existing resources for addressing cases with high levels of conflict; however, many of these services require a court order (e.g., CASA evaluation) or come at a cost to the parties (e.g., parenting coordinators). The court previously had case managers for high-conflict cases, but did not believe that it was an effective use of resources to spend an inordinate amount of time on a smaller number of high-conflict cases. Still, there is a need for further coordination between the services and follow-up with parties.

Recommendation: The business simplification process and clearly defined pathways will likely uncover opportunities to provide case management resources to all judicial officers to review paperwork and follow up with court orders. Many of the considerations in previous recommendations apply here. Is there an opportunity for a more structured triage process at the FLO? Should the status/non-compliance conference deadline be moved up? Should there be a facilitator reviewing cases at response or at confirmation of issues? How might case staffings prior to a trial help ensure preparedness? Perhaps there is an opportunity to partner with the Bar to on coordinating wraparound services for litigants in the community.



Training and Stakeholder Relationships (Principles 9-10)

- Do judicial and court staff education programs encompass the breadth of legal topics that are likely to arise in family court cases (family, child welfare, criminal, civil, military, immigration, bankruptcy)?
- Do judicial and court staff education programs encompass the breadth of non-legal topics that are likely to arise in family court cases (child development, child abuse and neglect, implicit bias, cultural competence, impact of trauma, mental health, substance abuse)?
- Does judicial and court staff education provide techniques and strategies for effectiveness communication and management of cases involving self-represented parties?
- Do judges and court staff agree that courts have an obligation to provide legal information to self-represented litigants?
- Do court rules clearly define distinctions between legal advice and legal information? Are judges and court staff trained on these distinctions?

Judicial rotations happen yearly, and judges sit for two years. Commissioners hold their seat at will. The court has comprehensive training available and access to other training opportunities. Interviews indicated that additional training would be useful for identifying domestic violence and trafficking.

Recommendation: Consider partnering with local experts in domestic violence and human trafficking to provide in-service training on a regular basis not only to judicial officers, but also to court staff who interface with domestic relations cases.

Data Collection, Evaluation, and Technology Innovations (Principles 11-13)

- What kinds of reports are routinely generated by the court's case management system (CMS) for use in court administration? How are those reports disseminated to and used by court leadership? Do these reports provide information needed for informed policymaking?
- Are the data elements that are collected and stored in CMS clearly defined and standardized?
- Does the court regularly train court staff on the importance of consistent and accurate data entry?
- How does the court seek feedback from parties in family court cases about their experience with the court's process?
- How does the court use technology innovations to improve access for parties in family court cases?

The Clerk's office oversees the court's case management system and provides analysis and reports. Specifically, judges receive quarterly reports and their caseload and the Chief gets a list of all cases and an average age. The numbers for the UFC are also included in the court's quarterly and annual reports. Family Court Services and ERCMs use ad hoc systems for tracking data. Other courts, such as Miami-Dade,

are moving to an open calendaring process for parties. King County could consider online scheduling for classes.

There are current and emerging technological innovations for parties. The Clerk's office has a customer service email and e-filing. They are moving towards online scheduling. The state is piloting some forms to be fillable online like surveys.

Recommendation: Once the pathways are well-defined, the steering committee should develop performance measures, set benchmarks, and plan to monitor performance. Also, consider how technology can help (1) place cases on the appropriate track, (2) disseminate information to litigants, and (3) monitor case status. For example, the Family Court Services currently sends a packet of paper to cases that screen into their services from the Confirmation of Issues. It may be more cost efficient and effective to email or text a link to information to parties where they could self-identify their needs and be directed to relevant information for their case (i.e., parenting plan mediation, early resolution support).

