

CCJ/COSCA FAMILY JUSTICE INITIATIVE



Demonstration Site Report: Cuyahoga County

PROJECT DIRECTOR
Alicia Davis, J.D.
Principal Court Management Consultant
National Center for State Courts
2020

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).



Table of Contents

Introduction.....	1
Methods and Data	3
Landscape Data.....	3
Site Visit	6
Key Players.....	6
Process map (statues, court rules, business practices)	9
Alignment with FJI Principles and Recommendations.....	12
Adopt a Problem-Solving Approach (Principles 1-4).....	12
Triage Family Cases (Principles 5-8).....	15
Training and Stakeholder Relationships (Principles 9-10)	18
Data Collection, Evaluation, and Technology Innovations (Principles 11-13)	19

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.

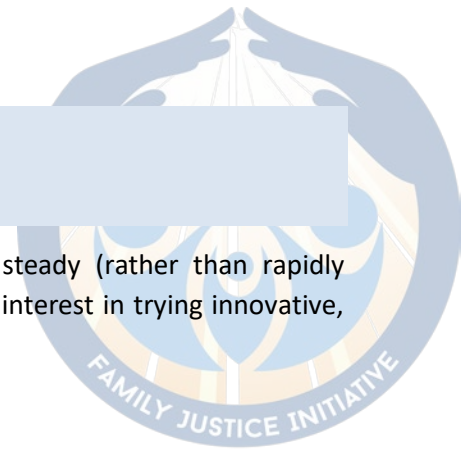
The Domestic Relations Court of Cuyahoga County (Cleveland) was selected to be one of the pilot sites for the FJI Principles. The Domestic Relations Court is a division of the Court of Common Pleas, the general jurisdiction court, sharing a clerk of court but with its own building, judges, and staff. Ohio law contemplates two types of action to end a marriage, a dissolution when the parties agree and a divorce when they do not. (A divorce can be converted to a dissolution at any time if the parties reach an agreement.) The distinction is significant due to strict timelines, set by the Supreme Court of Ohio, for concluding each matter type: three months for dissolutions compared to 12 (without children) or 18 (with children) months for divorce. In counties that have them, like Cuyahoga, the Domestic Relations Court handles all family law matters where children are involved, including: divorce or legal separation with children, parenting, paternity, adoption, child or spousal support, domestic violence, and some dependency matters. The Domestic Relations Division is led by Administrative Judge Leslie Ann Celebrezze, with four additional judges. Each judge has two magistrates, appointed judicial officers who also preside over family court cases and motions. There are also six support magistrates and two domestic violence magistrates, who hear support matters (IV-D cases and often child and spousal support issues in divorce and custody cases) and protection orders, respectively, and who are not assigned to a particular judge.

Cuyahoga County's Domestic Relations Court already utilizes a problem-solving approach and employs several strategies that are aligned with the FJI Principles and serve to support families throughout their domestic relations case, including a robust self-help center and an emphasis on alternative dispute resolution. The Court is diligent about meeting the timelines for disposition, which helps ensure a speedy process for the vast majority of litigants. Processes are very dependent upon the judge assigned to the case, as each judge is wholly in charge of her courtroom and how it proceeds. The Court identified five priorities, which are consistent with the Family Justice Initiative Principles:

- Improving access to justice and assistance for self-represented litigants;
- Identifying ways to streamline case management flow in light of the independent court structure;

- Developing a written language access plan;
- Implementing safety and trauma-informed practices; and
- Expanding data collection and use of existing data.

Cuyahoga County has several advantages in these efforts, including a steady (rather than rapidly increasing) caseload, a dedicated family court bench, and a history of and interest in trying innovative, proactive approaches.

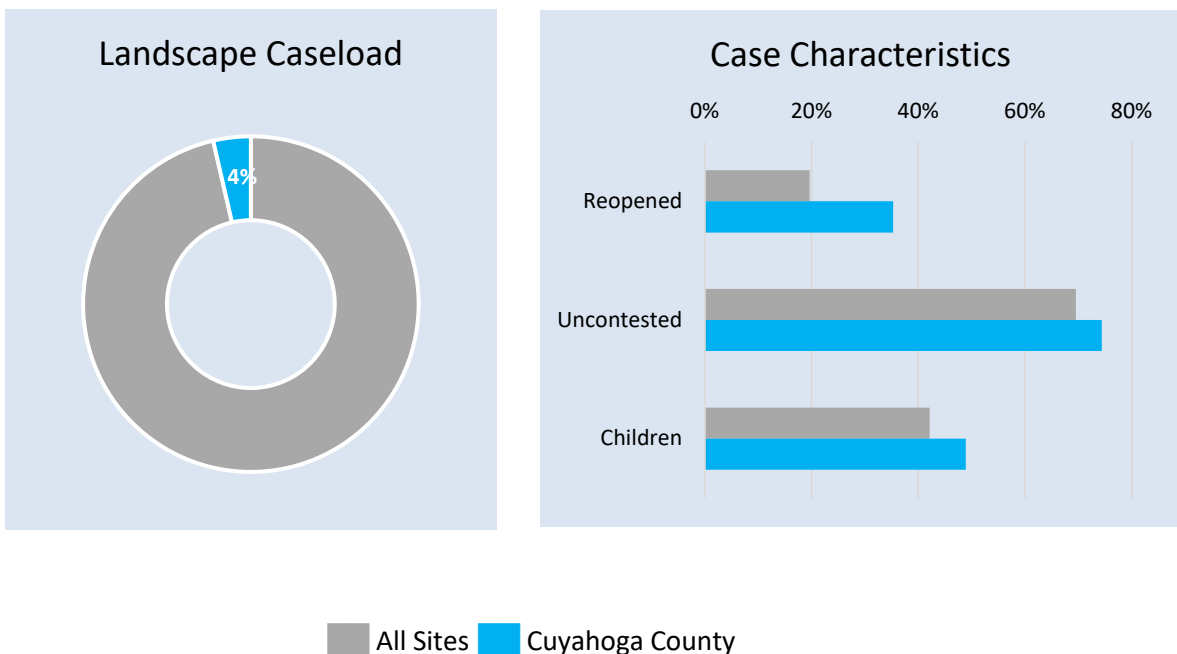


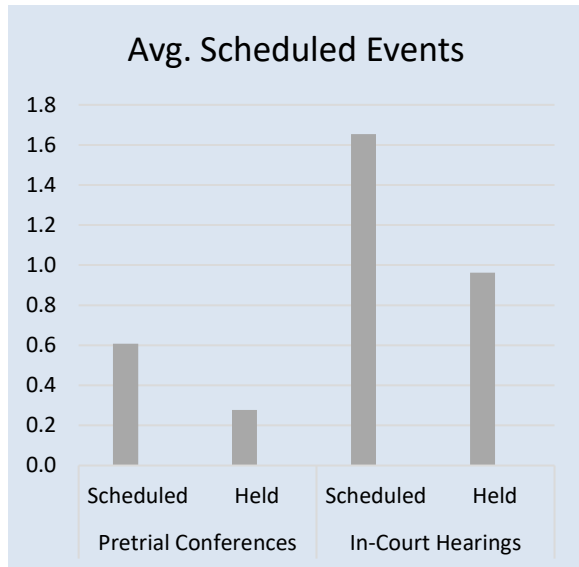
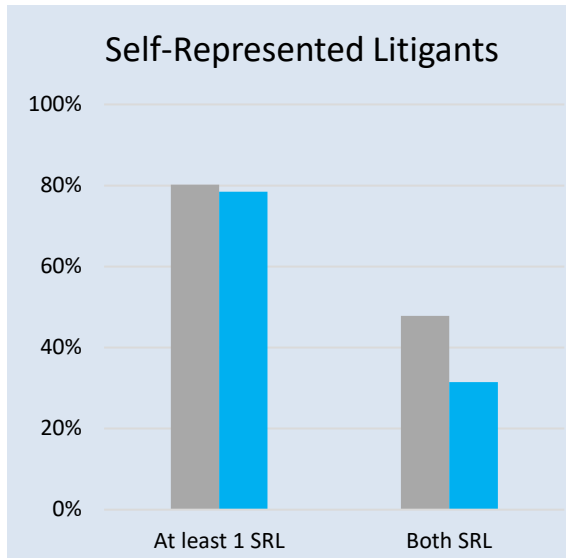
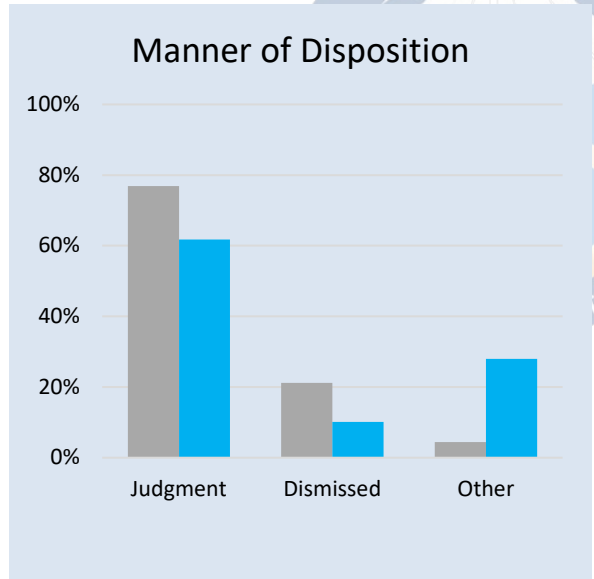
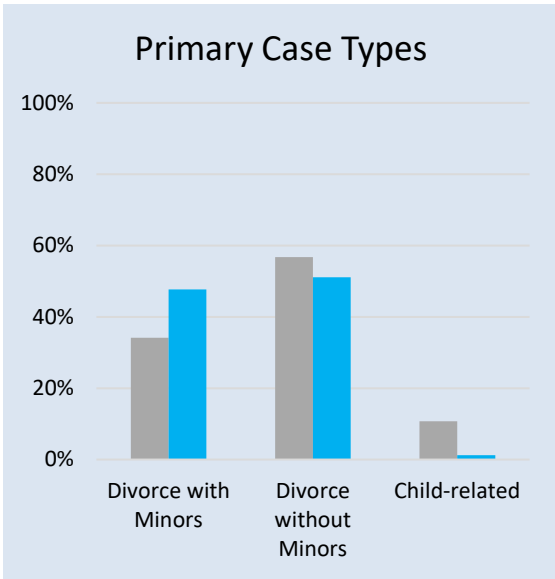
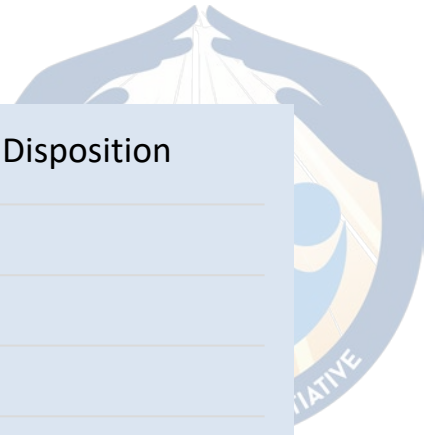
Methods and Data

A comprehensive assessment was conducted of the current operations and key case characteristics of the Cuyahoga Domestic Relations Court. 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.

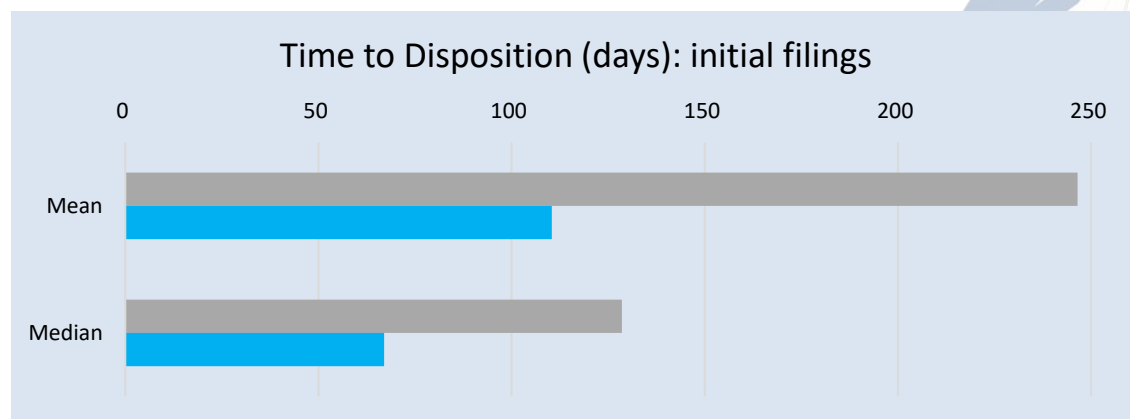
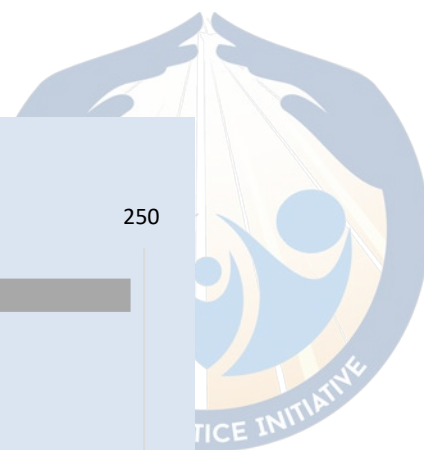
Landscape Data

[The Landscape of Domestic Relations Cases in State Courts](#) was a collaborative effort between NCSC, IAALS, and NCJFCJ to examine common characteristics of domestic relations cases. Eleven large family courts provided an extract of cases disposed July 1, 2016 – June 30, 2017. The graphs below display comparisons between findings from the Cuyahoga County Common Pleas Court and the collective averages across all courts in the study (All Sites). Some data was unavailable for some counties, including Cuyahoga County, as indicated.





■ All Sites ■ Cuyahoga County



Site Visit

The site visit took place on September 9-11, 2019, at the Cuyahoga County Court of Domestic Relations in Cleveland, Ohio. Our primary contact on the project is Magistrate Serpil Ergun, Director of Judicial Operations for the Cuyahoga County Domestic Relations Court, who was present for most of the site visit. We were also joined for much of the visit by Anjanette Whitman, Manager of the Help Center.

The first day, we interviewed the five domestic relations judges: Administrative Judge Leslie Celebrezze, Judge Tonya Jones, Judge Diane Palos, Judge Rosemary Gold, and Judge Francine Goldberg. We were also able to observe a stipulated decree being entered into the record. Over the next day and a half, we met with Trial Magistrate Marie Rady, Motion Magistrate Eileen Gerity, Motion Magistrate Jason Parker, and Support Magistrates Ashley Newton and Michelle Edwards, as well as representatives from various departments: Vincent Dudley, Director, Enforcement Services; Justin Seeton, Deputy Court Administrator; Maria Ranieri, Deputy Director, Domestic Violence; Melissa Seagro, Director, Family Evaluation Services; Susan Organiscak, Mediator; Jim Zak, Court Administrator; Jessica Walsh, Language Access; and Ken Robinson, Assignment Commissioner, Assignment and Scheduling. We also met briefly with Peter Kirner, a private family law attorney who also serves as a guardian ad litem.

Key Players

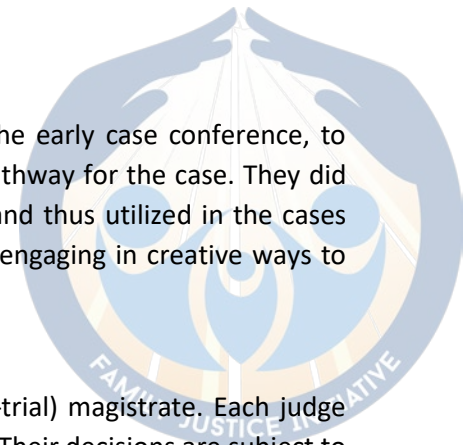
Judicial Officers

Ohio's court structure places each judge solely in charge of their court and the magistrates assigned to them. Thus, as mentioned above, once a case is assigned to a judge, the process it follows depends almost entirely on the judge. They each have very strong opinions about how to handle different cases and they differ, sometimes significantly, on their views of which services and resources are useful. Only one of the judges expressed the view that this structure would impair any efforts to make systemic, court-wide changes. Also, while all of them consider themselves as taking a problem-solving approach (at least in what they deem as appropriate cases), engaging in proactive case management, and using some form of triage, most of them expressed only a very limited idea of what their colleagues were doing in these areas. We also heard mixed comments about their knowledge of available resources: some said they were well-informed, and others thought that they lacked information and what they had was likely outdated. At least one judge noted an unmet need for mental health counseling, but even if the court had a way to refer parties, they do not know if insurance is available to cover the cost. Some judges indicated that they were careful not to become too intrusive into peoples' lives, believing that their role should be more limited.

Training for judges includes a two-week new judge orientation and 40 hours every two years of continuing education. Available courses include domestic violence, emotional intelligence, autism spectrum, and parenting. Lots of training for judges is available through the Ohio Judicial College, and training is offered to all staff on key issues like domestic violence.

Although articulated and carried out differently by each judge, they each employ a problem-solving approach and a de facto triage process, even though not always called by that name. All of them





mentioned getting as much information as early as possible, usually at the early case conference, to identify issues and needs and determine the appropriate resources and pathway for the case. They did express different views on which resources and tools were most helpful and thus utilized in the cases assigned to them. Some judges were more comfortable than others with engaging in creative ways to meet the needs of unrepresented litigants.

Magistrates (assigned to judges)

Each judge has a trial magistrate and a motion (sometimes called a post-trial) magistrate. Each judge decides which matters they hear. They serve at the discretion of the judge. Their decisions are subject to review by the judge if any party objects. Such objections are handled almost exactly like appeals, including preparation of transcripts and briefs that cite to the record. For this reason, such objections can take many months to resolve. To avoid jeopardizing the timeliness rules, some judges will reassign a case that seems likely to go to trial back to themselves, to avoid the possible delays inherent in the objection process.

Support Magistrates

The court has six support magistrates, who are not assigned to a particular judge and hear all IV-D matters. They also hear most child and spousal support issues in divorce and dissolution cases, as most of the judges refer these issues to the support magistrates. Their caseloads are high compared to other judicial officers.

Assignment and Scheduling

The assignment and scheduling department has a few roles. First, they act as a liaison to the clerk's office at the beginning and end of the case, accepting the green file with the initial pleadings for transmission to the assigned judge and coordinating compiling of the file upon completion of the case for return to the clerk's office. Before forwarding the green file to the assigned judge, they are responsible for searching for related matters based on party identification information. They also assign and schedule support and post-trial motions, that is, those matters not handled by the assigned judge's own staff. Finally, they track much of the information needed for the data reports described above, including the timeliness statistics, mediation reports, continuance data, etc.

Mediation

While the parties are free to engage in private mediation or, before filing, the collaborative law process, the court has a mediation department that offers parties an option for facilitated settlement. Cases are referred to mediation by an order. Cases with known domestic violence are not referred. Each party is assessed a \$125 fee, and a domestic violence screening is performed. The mediation is set for two hours, but there is no time limit if the parties are making progress. Also, they can return up to seven times if needed, at no additional cost. The mediators use both transformative and facilitative mediation, depending on what the family needs. They have 45 days to mediate the case, but mediators indicated sometimes that is not enough. Also, sometimes the cases are referred to mediation too soon, before the parties really understand what they need and will work for them.

Family Evaluation Services (FES)

Typically, a case is referred to FES in the pre-trial phase, often but not always after mediation or another settlement method has failed, in an effort to obtain more information for the judge. Occasionally, they

receive a case on a post-decree motion. A full evaluation is \$800; a brief focused assessment is \$600. After an intake process, they conduct a forensic (not therapeutic) evaluation through interviews and gathering documents and then prepare a report for the court. They are strengths-based so look to highlight parenting strengths and opportunities for growth.

This department falls under the complex/judicial track. Much of what they do involves trauma, for which they are trained, and they bring that training into the evaluation process. They use various screening instruments and assessments, including a lethality assessment that in some cases leads to adjustments in how the case is handled (although most cases with domestic violence will still include a joint interview because they gather information from viewing the parties together). They do not do psychological testing or attempt diagnosis but rather focus on the nexus to parenting. They follow AFCC Standards for Custody Evaluation and take continuing education (30 credits per year). Their recommendations frequently include referrals to community services and resources, which were characterized as good, especially for trauma.

One judge seriously considers referrals to FES as she believes it can be demeaning and affect the parents' careers. This judge rarely allows medical or therapy records to go to the other side, instead reviewing them in camera.

Although not part of this department, the interviewee mentioned that guardians ad litem, who are all attorneys on a list maintained by the court, serve a similar function and may be appointed when deemed appropriate. They are much more expensive, so they are not used as much.

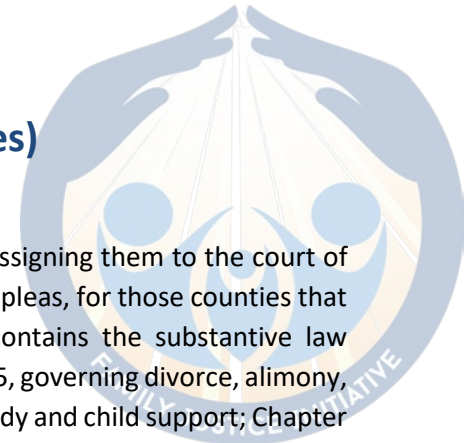
Domestic Violence Department

The Domestic Violence Department is regarded as the best in the state. They are an OVW-funded mentor court, specializing in help for self-represented survivors. Whenever domestic violence is disclosed, the survivor is referred to the department to meet with an advocate and determine whether other services or a protection order is appropriate. Other processes may also be adjusted for safety needs, for example, meeting separately with the mediation or evaluator, using separate waiting areas, or implementing staggered arrival and departure times. The department is well-connected with resources and services in the community.

Help Center

The Help Center is highly regarded by the rest of the court. The manager leads a team of five staff who offer assistance with forms, procedure, and general legal information. They also have a website with forms and information. They do not provide legal advice. They have a spacious setting that includes a desk for each staff member and seating for the client as well as a waiting area with written information. They have bilingual staff for Spanish-speaking clients, and they use language line for other languages. They gather feedback by asking clients to complete a short paper survey about the services, and they use the feedback to refine their operations. Staff has received training on legal information v. legal advice and on domestic violence and lethality assessments. Sometimes one of the judges will present to staff on various topics.

The manager indicated that they have a wish list as well as additional assistance that is in progress. They are working on obtaining fillable-form kiosks. One major wish is more training for staff, including customer service and trauma-informed court practices. Also, while spacious, the acoustics of the space can make it hard to hear each other. A better copier is needed.



Process map (statutes, court rules, business practices)

Overview

Ohio Revised Code (ORC) 2301.03 designates domestic relations matters, assigning them to the court of common pleas or the division of domestic relations of the court of common pleas, for those counties that have such divisions (including Cuyahoga County). Title 31 of the ORC contains the substantive law governing domestic relations. Most relevant for this project are Chapter 3105, governing divorce, alimony, annulment, and dissolution of marriage; Chapter 3109, governing child custody and child support; Chapter 3113, which includes domestic violence provisions; and Chapters 3119, 3121, 3123, and 3125, which contains varying provisions governing child support and child support enforcement. The relevant statutory provisions are available at the following link: <http://codes.ohio.gov/orc/31>.

The Ohio Rules of Civil Procedure generally govern domestic relations matters, as set forth in ORCP 75, subject to stated exceptions and modifications. The ORCP are based on the Federal Rules of Civil Procedure. The rules are available here:

<http://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf>

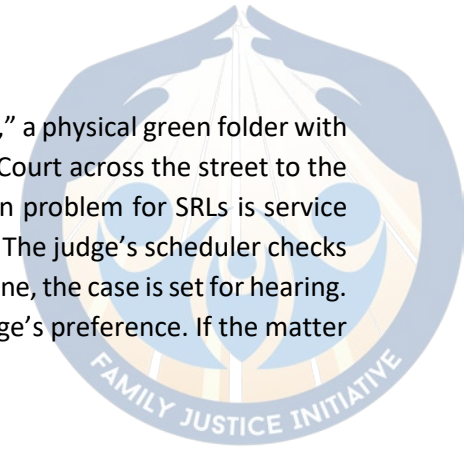
The Local Rules for the Domestic Relations Court also apply; they are available here: <http://domestic.cuyahogacounty.us/en-US/court-rules.aspx>

Domestic Relations is a division of the Court of Common Pleas and shares the Common Pleas clerk but has its own building, judges, and staff. It hears divorce, dissolution, custody, paternity, child support, including UIFSA cases that may involve paternity, and domestic violence cases.

Ohio has different proceedings for divorce and dissolution of marriage; the latter is when the parties have an agreement and are simply submitting it for the court's approval. An action that starts as a divorce can convert to a dissolution at any time (e.g., when the parties reach an agreement during the divorce case). Rule 39(A) of the Rules of Superintendence for the Court of Ohio provides that time limits for civil cases are as set forth in the approved Supreme Court report forms; Form B is for domestic relations cases. Dissolutions (when the parties come to court with an agreement) with or without children must be disposed of within three months, divorces without children have 12 months, and divorces with children have 18 months. Post-decree modification or change of custody is 12 months. The court as a whole—judges, magistrates, and other departments—are very aware of timeliness in these cases. Much effort goes into monitoring cases to be sure that Ohio Supreme Court guidelines for disposition are met. How that is done, however—both how the case is monitored and what action is taken when delay is encountered—is specific to the judge.

Filing of initial documents

A DR case is commenced by filing or e-filing initial documents with the Common Pleas Clerk, and the case is randomly assigned to a judge. They do have a one-family-one-judge policy, so if the case is related to an assigned case, it will be assigned to the same judge. There is an automatic flag based on the party number, but they also check based on name, maiden name, and date of birth. (It's not clear how far back this goes, e.g., if the prior case has been closed for years or involved a divorce from a prior spouse.) They do pretty well but do miss a case here and there if, for example, a party doesn't give their maiden name or if they don't remember the other party's date of birth. While SRLs are free to use e-filing, very few do.



The clerk inputs attorney and party information and compiles the “green file,” a physical green folder with the documents filed to date. The green file is sent from the Common Pleas Court across the street to the Domestic Relations Court and routed to the assigned chambers. A common problem for SRLs is service and including anything in the petition that needs to be pled with specificity. The judge’s scheduler checks for service; if that’s not done yet, the file is placed on hold, and if service is done, the case is set for hearing. That hearing may be with the judge or the trial magistrate based on the judge’s preference. If the matter concerns child support, the judge assigns it to a support magistrate.

Requirements after filing

Under Local Rule 24, a mutual restraining order automatically goes into effect upon filing. It prohibits the parties from taking several actions while the case is pending unless otherwise ordered, including disparaging the other party to the children or on social media, disposing of property, or making any changes to insurance. Also, Local Rule 14 sets forth mandatory disclosures, requiring each party to provide listed information and documents to the other side. This rule often poses problems for SRLs, who don’t always understand its requirements and respond incompletely if at all.

Parties with children are required to take a parenting class, which may be taken online. There have been delays, almost always with SRLs, when one or both parents fail to complete the class promptly.

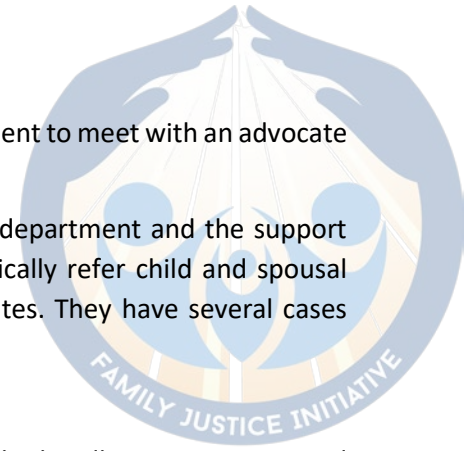
Early case conference/pre-trial conference

All the judges hold an initial conference shortly after the responsive pleading is filed; some called it an early case conference and others a pre-trial conference. Each judge has her own practices as far as assignment to the judge versus the trial magistrate, whether and when to refer to services such as mediation or family evaluation, how to handle cases with SRLs, how proactive to be with identifying and securing services for the family, how frequently to hold conferences or review hearings, and other case management decisions. Two judges stated that they talk to each other and trade ideas, including at monthly meetings, but others indicated they are not really sure what the other judges do.

All of the judges expressed a preference for getting as much information as early as possible to determine how best to manage the case. Based on the information available, they determine next steps, how closely to monitor the case, and how soon to set a trial date. It thus appears that the judges are engaged in de facto triage, even if they don’t call it that. They appear to rely on their own experience and discretion rather than a particular process or systematic analysis in making these determinations.

Options for settlement, evaluation, and safety

Options for the case include referring cases for mediation (or allowing the parties to arrange private mediation), obtaining a custody evaluation from family evaluation services, conducting a settlement conference by the judge or magistrate (which may be combined with a pretrial conference or other court setting), and trial before the trial magistrate or judge. Ohio law also provides for the collaborative law process, which precedes the court action and typically results in a dissolution action if successful in reaching an agreement. The court also uses guardians ad litem in some cases with children, but the cost is significant and so prevents their use in low-income/low-asset cases. Some judges refer the parties to other services and resources when deemed appropriate. Others expressed some discomfort with engaging in what they viewed as excessive intervention without any request for such relief. If domestic



violence is disclosed, the victim is referred to the Domestic Violence Department to meet with an advocate and for a possible protection order.

Child support cases (IV-D) are handled by the assignment and scheduling department and the support magistrates, who are not assigned to specific judges. The judges also typically refer child and spousal support issues in their cases (divorce/dissolution) to the support magistrates. They have several cases each day and are extremely busy.

Trial and final decision

If the case is not settled, it goes to trial. Each judge has a trial magistrate who handles cases as assigned by the judge. If a case assigned to a magistrate goes to trial, the magistrate's decision is subject to review by the judge if a party objects. This process can take six months or more, due in great part to the need to have transcripts prepared followed by supplemental briefing to cite to the transcripts. Since most cases are settled, this is not a high proportion of cases, but the delay is significant when it occurs. One judge specifically noted that if a case assigned to her magistrate does not settle, the trial is reset for her to avoid any such delay.

Once the case is resolved and a final decree or judgment entered, the green file returns to assignment and scheduling. They compile all paperwork and return the green file to the clerk's office across the street.

Post-judgment

The assignment and scheduling department handles scheduling for post-decree motions and matters before the support magistrates. Motions are typically referred to the assigned judge's motion magistrate, who are sometimes referred to as post-trial magistrates for that reason.

All motions and dispositions are tracked, and monthly reports of aging items (the "naughty list") are distributed. These reports need to be signed by the judges and are transmitted to the Supreme Court. They also track continuances and reasons for them. Finally, they track cases that are referred to mediation as well as those sent back from mediation, and why.

Current data collected and reports are focused almost exclusively on what is required by the Ohio Supreme Court, which centers on timeliness of disposition. Other data is available, such as the mediation and continuance reports, but not really used. Key data for this project, such as whether a case has children, domestic violence, substance abuse, complex finances, etc., which might indicate whether a case should be assigned to the facilitated or judicial track, is not currently gathered. Historically, some resistance has been encountered to requests for additional data points unless seen as necessary or helpful to comply with Supreme Court guidelines or to support budget requests. It appears such requests have not typically been granted to allow gathering of information that will aid in modifying or creating case processes to achieve improved outcomes or litigant satisfaction. Comment cards are available and the court has done a user survey in the past, but no feedback is sought or received from court users on any kind of a systematic basis. They will occasionally see a complaint, on the cards or sometimes on social media, and try to respond appropriately.

Alignment with FJI Principles and Recommendations



The site has not completed the readiness assessment, so a complete understanding of gaps is difficult to articulate at this time. The site has nevertheless identified several priorities for this project that reflect application of the Principles: (1) improving access to justice and assistance for self-represented litigants; (2) identifying ways to streamline case management flow in light of the independent court structure; (3) developing a written language access plan; (4) implementing safety and trauma-informed practices; and (5) expanding data collection and use of existing data. These priorities are indicated in bold italics in the text below.

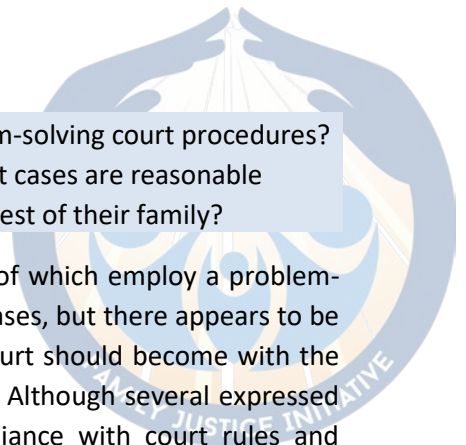
Adopt a Problem-Solving Approach (Principles 1-4)

- 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?

The court agrees on this point. We did not interview any members of the bar to get first-hand information on their views on this point, but the court indicated a close working relationship with the bar. The one challenge is that each judge manages the pace of litigation in her own way; there is no mechanism under the Ohio court structure to standardize practice (unless each judge chooses to do so). Some we interviewed had no apparent concerns with this; others expressed some frustration with the lack of consistency and the challenge it posed to any improvement efforts.

The court listed as one of its priorities ***identifying ways to streamline case management flow*** in light of the independent court structure. The court is exploring ways to maximize consistency by increasing the role of staff in early case management and triage (see below, under Triage Family Cases) as well as the use of case management order templates. The court recognizes that institutionalizing systems change will be a long-term process.

- 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 a domestic violence court and a Families First docket, both of which employ a problem-solving approach. The judges agree that this is a good approach for family cases, but there appears to be some difference in practice and different opinions on how involved the court should become with the family. None of the judges mentioned any training specifically in this area. Although several expressed frustration at self-represented parties' lack of understanding and compliance with court rules and procedures such as service, discovery, and evidence, the judges agreed that the parties are generally capable of making rational decisions in most cases, with a few exceptions when safety concerns arise due to domestic violence, child abuse, or substance misuse. The court may wish to consider training on court management and problem-solving courts for judicial officers and appropriate staff.

- 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)?

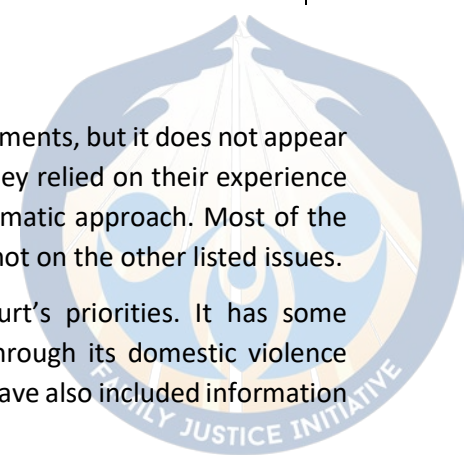
The Help Center tailors its assistance based on the judge assigned to the case, due to the varying practices and views of each judge, and the issues identified by the parties. Provision of information on resources and services seemed to be somewhat inconsistent. The Help Center has a lot of information and provides referrals, and the FES indicated it had ample information and a high regard for the quality of community resources. But some other parts of the court noted a lack of knowledge of what is available, a lack of quality resources, or both.

Parties are encouraged to utilize available settlement facilitation formats, including the mediation program and settlement conferences with the judge, if offered by that judge.

Basic issues appear to be covered in the SRL materials, but more advanced or complex issues much less so. We recommend that the court promote and facilitate the use of unbundled and/or pro bono legal assistance for more complex issues, in line with the Pathways.

Consistent and broad dissemination of information about the available community services and resources would be helpful and easily accomplished by making the information available in the Help Center and FES easily accessible to judicial officers and other court staff and distributable to litigants.

- 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?



Screening is performed by the domestic violence, mediation, and FES departments, but it does not appear to be routinely performed elsewhere. Some of the judges indicated that they relied on their experience to identify when these issues might be present but do not employ a systematic approach. Most of the court appears to have had at least some training on domestic violence but not on the other listed issues.

Implementing safety and trauma-informed practices is one of the court's priorities. It has some assistance on these issues through the technical assistance it receives through its domestic violence mentor court. Also, the Team provided tools and resources for the site. We have also included information on trauma audits. The court's plans in this area include:

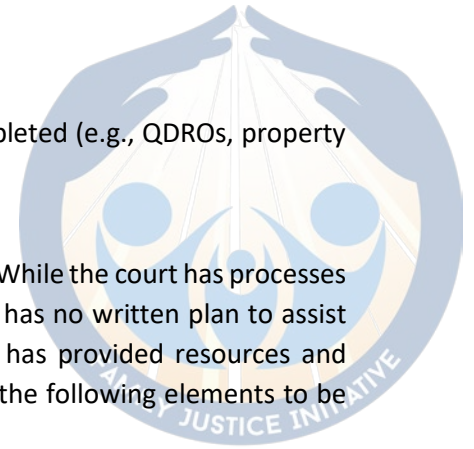
- Training for judicial officers, staff, and other practitioners on trauma and vicarious trauma;
- Adopt uniform screening tool for domestic violence and require screening of all parties;
- Training and materials on procedural justice for judicial officers; and
- Provide links to community resources for parties impacted by trauma.

- 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?

Self-help materials are available online and in hard copy. The website is easy to navigate, and the forms packets are clearly labeled and downloadable. The instructional text is in plain language, but some of the forms can be difficult for lay people to complete accurately. Several of the judges mentioned shortcomings in pro se documents; it was not clear whether those litigants had consulted with the Help Center (or if that was even known). Also, the initial filing packet includes six or seven documents. Assistance in Spanish is readily available in person; for help in other languages staff relies on a language line.

Improving self-help services is one of the court's priorities. It is working toward an easier forms process that will alleviate some of the problems noted by the judges and others. They may also be able to streamline the forms and perhaps reduce the number required to commence a case. They are also exploring opportunities for more training for staff. Other efforts include:

- Guided interview technology for forms, accessible online or via kiosk at Help Center (depending on pandemic effects on in-person assistance and sanitation needs);
- Interface forms preparation technology with e-filing system;
- Establish brief legal advice program (limited scope representation);
- Expand Help Center staff to concierge/navigator role to expand continuum of services;
- Create internship program using paralegals, law students, and volunteers;
- Facilitate linkage to other community services and resources;
- Provide increased guidance to physically navigate the courthouse;
- Develop materials on court processes and what to expect at each point;
- Expand ADR options;



- Develop “exit” materials on how to be sure everything is completed (e.g., QDROs, property paperwork, etc.), thus reducing the need to reopen cases; and
- Eliminate unnecessary notarization requirements.

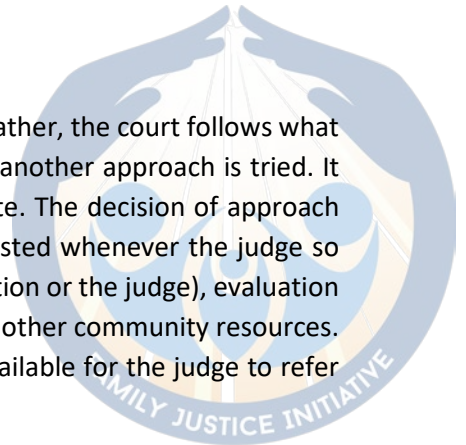
Another priority for the court is **developing a written language access plan**. While the court has processes and resources in place to assist litigants with limited English proficiency, it has no written plan to assist staff in identifying when and how to employ these resources. The Team has provided resources and assistance for the site in developing a written plan. The site has identified the following elements to be included in the plan:

- Courtwide training on use of interpreters;
- Processes to determine if interpreter is needed as soon as possible;
- Include language access as part of on-boarding new hires;
- Integrate use of translated SCO DR forms at Help Center;
- Hire a Language Access Coordinator;
- Provide training to the bar on the importance of language access and practical aspects such as how to initiate a request;
- Translate more forms into Spanish;
- Adopt a local rule on interpreters;
- Include added provisions in interpreter agency court contract;
- Create interpreter database especially for language-skilled interpreters;
- Provide training for interpreters specific to DR court or provide materials (e.g., glossary of divorce/DV terms) to agencies for use in training;
- Put up How to Request an Interpreter posters throughout common public areas and each courtroom/hearing room; and
- Issue summons in multiple languages.

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?

The court employs a de facto triage process in that every judge described their process as gathering as much information as early as possible in order to tailor the handling of the case to the needs of the family. That said, however, there are no identified criteria or systematic practices because each judge handles the cases according to their own preferences and experience. The process thus does not seem to be

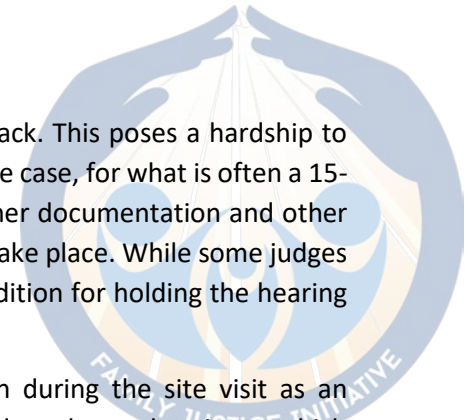


transparent to the parties. Also, the case is never “assigned” to a pathway; rather, the court follows what seems to be the appropriate handling of the case, and if it is unsuccessful, another approach is tried. It thus cannot be determined whether an initial “assignment” was appropriate. The decision of approach appears to be determined at the early case conference, and it can be adjusted whenever the judge so decides. The resources and assistance include settlement facilitation (mediation or the judge), evaluation (FES or GALs), domestic violence assistance including protection orders, and other community resources. They are not specifically allocated to a particular pathway but rather are available for the judge to refer as deemed warranted.

Identifying ways to streamline case management flow is a priority for the court. This poses a significant challenge, however, in light of the independent court structure. Systemic change is only possible if all judges agree to it. Future turnover would also pose a potential hurdle. Such change is not impossible, however, and the court is engaged in conversation about what practices might be possible without unduly jeopardizing each judge’s autonomy. The court is also looking at developing templates for case management orders for the most common case types. This will ensure that all judges have a common starting point while allowing some customization based on each judge’s practices. Specifically, the court’s plan includes the following elements:

- Streamline processes to avoid multiple, lengthy court events;
 - Encourage use of parenting coordination;
 - Shift to online parenting classes rather than in-person class;
 - Develop forms and tools for judicial officers (e.g., checklist for hearings, case overview note sheet, case management best practices tips, etc.);
 - Develop “While in Court” packet for parties (evidence, objections, elements of a trial, court event descriptions explanations);
 - Provide Next Steps packet upon exit and through mobile app (what to do next, getting certified copy of the decree, etc.);
 - Pilot informal trial process;
 - Create sample case management plan; and
 - Create uniform case management orders for each stage of proceedings to encourage consistency between courtrooms/hearing rooms while allowing customization for each judge.
-
- 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?

In all cases, at least one hearing is held. ORC 3105.64 requires both parties to appear at a hearing in a dissolution action before the court enters judgement on the parties’ agreement. In divorce cases, at least the early case conference is held, and the rules contemplate a prove-up hearing if the respondent defaults.



Several of the judges use status hearings as a way of keeping a case on track. This poses a hardship to many parties, who must take time off work, perhaps several times during the case, for what is often a 15-minute hearing. It does not appear that anyone routinely checks for whether documentation and other requirements (such as the parenting class) have been met before hearings take place. While some judges may have their staff check these matters, this does not appear to be a condition for holding the hearing but rather simply noted as a matter to bring up during the hearing.

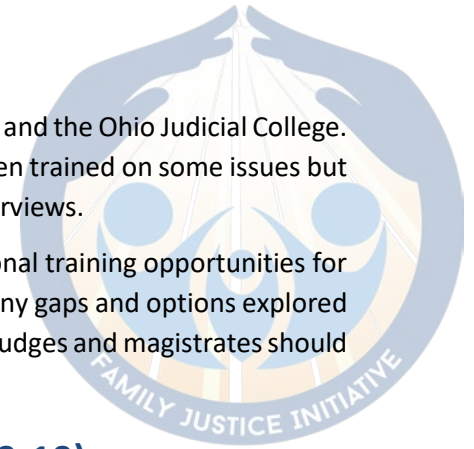
The multiple hearings that are often held was discussed at some length during the site visit as an opportunity for **streamlining case management**. One suggestion was to hold one longer hearing at which most if not all of the case could be resolved rather than several short hearings that accomplish little or nothing. Another thought was to introduce a staff role such as a case manager or concierge, to ensure that all pre-hearing tasks have been completed so the hearing will be as productive as possible. Also, as dissolutions are based on an agreement reached by the parties before beginning the court action, it is not clear that a hearing is required in every case; however, any change would need to be legislative since the hearing is a statutory requirement.

- 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?

All parties, whether represented or not, are encouraged to resolve the case collaboratively. The court offers mediation for \$250 per couple, with the charge assessed as a court cost and generally split equally between the parties. While this amount is quite reasonable in light of the extensive time permitted (see above), it is still beyond many people's means. The mediators are court staff and have received training on mediation as well as other issues. Judges will often facilitate settlement as well, devoting hearing time to this end. Parties are free to use private mediators if they wish. Ohio law also provides for the collaborative law process. Both of these latter options cost significantly more than the court mediation program. Temporary orders appear to be common.

- 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?

Resources available for more complex cases include FES, GALs, and the Families First docket, which provides more intense assistance to parents who may be struggling. FES and GALs involve significant costs although FES is much less expensive. FES staff are highly trained mental health professionals who follow professional standards and take continuing education. GALs are attorneys approved by the court to serve



in that capacity. The judges receive training through the Ohio Supreme Court and the Ohio Judicial College. It is not clear whether the magistrates also receive this training. Staff has been trained on some issues but not others, and a need for additional training was expressed during the interviews.

As part of efforts to improve assistance for SRLs, the site is exploring additional training opportunities for Help Center staff. We recommend that other departments be assessed for any gaps and options explored for addressing them. The court may wish to develop a checklist of topics the judges and magistrates should be sure to have taken and keep up to date.

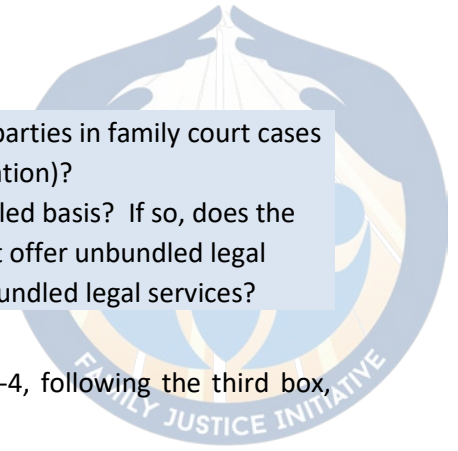
Training and Stakeholder Relationships (Principles 9-10)

- 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?

Judges receive extensive training but it is not clear that it covers all topics listed. It is also unclear whether magistrates receive the same training. Staff have received some training, but it has not been comprehensive. They have been trained on the distinctions between legal advice and legal information, and they typically offer periodic updates, often by judges, for new staff and as a refresher for current staff. We recommend that, as mentioned above, an assessment be done to identify gaps for all staff and options to fill them, and, similar to judicial officers, a checklist of topics for each department be developed and used to track staff training.

The judges all agreed that some level of assistance to SRLs can be necessary, but there were significant differences in their views on the extent that was ethical and appropriate, at least insofar as assistance from the judge. Particular concern was noted when one party had counsel and the other was self-represented. There was broad consensus, though, that assistance from the court as a whole, particularly the Help Center, was completely necessary and appropriate. Also, all other court services are available to SRLs on the same basis as represented parties, and staff universally indicated that they are accustomed to and comfortable working with SRLs.

- Does the court have current and accurate information about community resources that might be helpful to parties in family court cases? Does the court regularly share that information with parties?



- Does the local family court bar support pro bono programs to assist parties in family court cases (e.g., lawyer-for-a day, legal clinics, pro bono or low-bono representation)?
- Do court rules permit lawyers to provide legal services on an unbundled basis? If so, does the court have current and accurate information about local lawyers that offer unbundled legal services? What does the court do to encourage lawyers to offer unbundled legal services?

Please see discussion above under Problem-Solving Approach, Principles 1-4, following the third box, regarding community resources.

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 court's data collection and reporting almost exclusively relate to the Ohio Supreme Court's timeliness requirements, focusing on case/matter age and disposition rate. The court as a whole and particularly judges devote a great deal of attention to meeting these deadlines. The assignment and scheduling department tracks much of this data, and court administration and the information technology team implement these data points and compile reports. The court has comment cards, and some departments, most notably the Help Center, seek feedback from clients. However, responses are sporadic. They are reviewed, and if a valid complaint is made, it is addressed. One or two attempts to obtain more systematic feedback have been attempted, but the conclusion was that a great deal of work was expended for a quite mediocre response rate and data that was of limited utility.

Key data that would be required to evaluate whether a triage and pathways caseflow system is successful and effective is not currently available. Characteristics of the cases that could suggest a particular pathway, for example, the presence of complex factors or the absence of children or significant property and debt, are not tracked. Also, the number of events per case is not tallied. Post-decree proceedings, which could serve as a proxy for how workable the final judgment proved to be for the parties, are not counted.

Expanding data collection and use of existing data is a priority identified by the site. In particular, the site is interested in tracking caseflow and allocation of resources more effectively. The challenge is to convince court administration, who directs the IT team, that the time needed to add these data points to the system and develop suitable reports is warranted. The Team consulted with the site during the site

visit and in subsequent telephone calls, strategizing ways to approach the issue and offering rationales to support the gathering of this information. The site's plans under this priority include the following:

- Pilot outcome effectiveness performance measures [timeliness (time to disposition, age of active pending caseload), complexity/conflict (# of pre-decree court events, # of post-decree court events), procedural fairness (survey to parties), cost per case, judge/staff perspectives (survey)];
- Improve and increase internal data collection;
- Improve existing reports and develop easily accessible, easily comprehensible, up-to-date reports on usage of programs/services, costs, etc.;
- Create one global report that shows yearly trends in usage of court services (to complement existing 10-year trends report in case type filings), e.g., number of custody evaluations (brief focused, full-blown, case management services), drug tests ordered, GAL appointments, interpretations, public defender appointments, mediations, people assisted in Help Center and DV Help Center;
- Create report showing self-rep cases using NCSC recommended method;
- Institute regular satisfaction surveying of parties, attorneys, and stakeholders to get feedback of parties during the transaction (each hearing or key point) and after the transaction is over (after final hearing) to learn what they liked/hated about the experience to drive improvement;
- Survey community in general about use of the court, impressions, issues in DR cases, DV, etc.; and
- Convert all paper processes to electronic workflow.

