

CCJ/COSCA FAMILY JUSTICE INITIATIVE



Demonstration Site Report: Miami-Dade 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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Miami-Dade County COVID-19 Response

Updated September 30, 2020

The Family Justice Initiative (FJI) worked with the Family Division of the 11th Judicial Circuit of Florida (Miami-Dade County), due to their established commitment to innovative responses for handling family cases. Prior to participating as one of the FJI demonstration sites, the Court already engaged in practices espoused by the FJI Principles for Family Justice Reform.

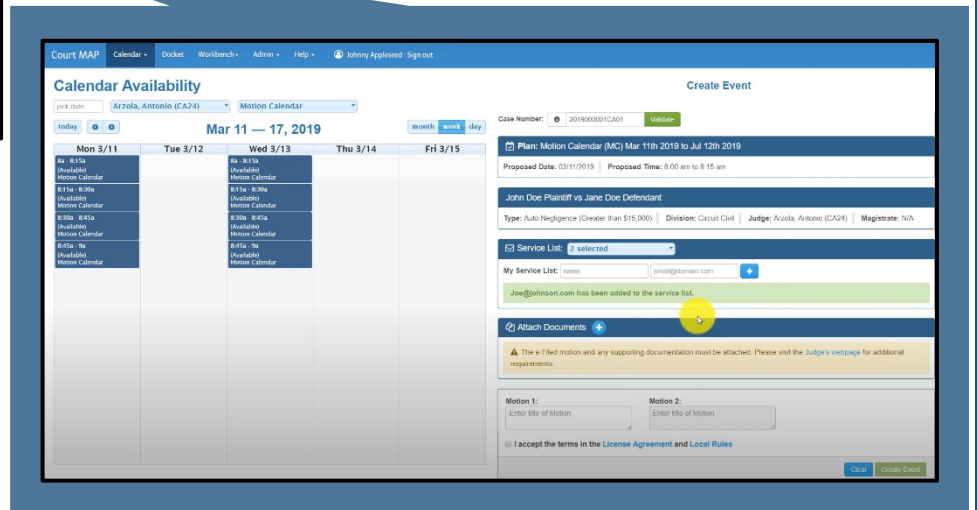
For example, through the leadership of Judge Scott Bernstein and court administrator Eugene Carral, the Court had already started implementation of a soft pilot of triage through case management “pods.” The Court also had an expedited dissolution process with the option for a final divorce decree to be issued by mail without appearance for the parties before a judge under limited circumstances. The Court already counted with a robust array of tools for problem-solving in family cases, such as an in-house mediation unit, a well-developed Family Court Services Unit, and a Self-Help Center that provides excellent quality legal information to parties in multiple languages.

Along with other jurisdictions across the nation, the Eleventh Judicial Circuit of Florida was hard hit by the COVID-19 global pandemic, and 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, thus continuing services to court users almost with almost zero disruption.

The COVID-19 disruption has forced the Court to rethink the way they use their online case management systems, to assist with tasks that were not done electronically prior to the pandemic. The Court also had to find ways to connect with the public in creative ways, as described below.

courtMAP

Prior to the start of the COVID-19 Pandemic, the Court used courtMAP, an online management system that provides scheduling, automatic hearing notifications/reminders, and allows judges to create and send orders electronically. courtMAP enables parties to self-schedule case events and send in documentation.

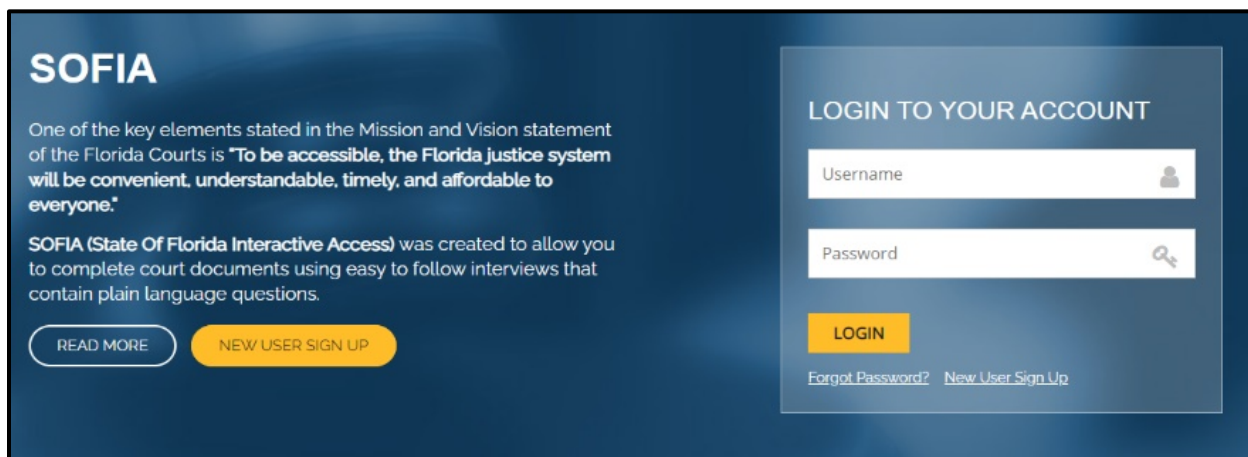


In response to COVID-19, the Court integrated Mediation into courtMAP as a way to lighten the workload and allow cases to move forward during the pandemic. The Court created templates of agreements, partial agreements, no agreements, and allowed for interviews to be done through self-scheduling and by starting Zoom. Mediated Marriage Services Agreements (MSA) and Orders both get e-filed. The Court stated that integrating Mediation with the courtMAP system was seamless and mediators are on board and want to expand the practice to county civil cases.

The Court has also added the entire Domestic Violence Division and the Unified Child Division to the courtMAP online management platform.

State of Florida Interactive Access (SOFIA)

Duval County Courts has implemented the State of Florida Interactive Access (SOFIA) system as a way to allow court users to complete court documents using easy to follow interviews containing plain language questions. Once court documents are completed through the system, they are sent to paralegals for review. Initially, Duval County used the system for Domestic Violence, but Miami-Dade County thinks it will be useful if it becomes available for Self-Help.



The Court believes that the SOFIA system has the potential to be set up to assist with automation of pathway triage for cases. The Court believes that the system could help pick a path for cases through the help of programmed objective factors.

Court Space

The Court has also made use of the large lobby area to set space for a small Self-Help office where staff can exchange information with parties, and staff can receive required documents with payment. During the pandemic, access to the Clerk's Office was limited, so the Court also set up drop off boxes in the lobby. Changes like these have helped the court increase processing of divorce and paternity cases, that dipped to 400 cases in April but are now up to around 1,100 for July/August. This is close to the 1300 cases they got in April, prior to effect of the pandemic.

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 first pilot site is the Family Division of the 11th Judicial Circuit of Florida (Miami-Dade County). The Family Division in Miami-Dade has already designed an innovative case management approach to support more efficient and effective case resolution. Their design uses pods of judges, magistrates, case managers, and court staff to provide a consistent team per case and connect cases to a judicial officer more quickly once the case is at issue. The Family Division consists of 14 Family Judges, 8 General Magistrates, 7 Family Case Managers, an in-house Mediation Unit, and a Family Court Services Unit. Currently, when a judge refers a matter to a magistrate, it is blind filed to any of the eight, without consistency even within a single case. In the pilot, three pods will be formed, each with one case manager, two judges, and an assigned magistrate. The pods will function as a team, in which the two judges will be supported by the same case manager and refer all matters to the same magistrate. The remaining judges, magistrates, and case managers will remain under business-as-usual (BAU) procedures and provide a baseline by which to compare the utility and effects of the pilot procedures and FJI recommendations.

To assist Miami-Dade in its ongoing conversations, we earlier presented these recommendations for consideration by Court.

1. Establish an Executive Committee

Family Justice Initiative Principle 10 outlines the importance of identifying and strengthening partnerships, to provide services and inform reform efforts. Judicial leadership and participation by court professionals is needed to identify resources and supports for domestic relations. Executive Committee members can be chosen from the wide variety of court staff. Suggested members for the 11th Judicial Circuit of Florida can include Judge Bernstein, Eugene Carral, Self Help, Clerks, FSC, Mediation, CMs, participating judges, and CITEs. Once the Executive Committee has been

established, weekly meetings of the Executive Committee may be helpful as the project gets underway.

2. Establish a charge for the Executive Committee

After forming the Executive Committee, the body will need to establish a charge that accurately expresses the primary purpose of what the 11th Circuit seeks to achieve through implementation of the Family Justice Initiative Principles. The charge can include purposes like improving judicial and employee satisfaction, increased consistency among processes, and address staffing shortages, etc.

3. Define Pathways and establish nomenclature

The Model Process for Family Justice Initiative Pathways suggests three pathways and related criteria as a flexible approach to triaging domestic relations cases. The 11th Circuit should review the Model Process resource to help decide if the Pathways are appropriate to use locally, and if the court would benefit from tailoring the Pathways to fit the realities of the Court.

The Court should consider screening and intake process using standardized screening questions to identify case characteristics. Alaska has clearly articulated a screening process that is recommend to Miami-Dade because it is simple to administer, provides clear guidance, and has been studied and proven effective for domestic relations.

4. Begin development of a cookbook

The Court should consider establishing processes and defining duties for each member of the case management team to include in a case management cookbook. The development of a cookbook can describe tasks that the court staff should be trained to undertake and can also provide guidance about the training staff will need to function effectively.

5. Data and Performance Measures

The Court should continue to gather data to understand the landscape of their domestic relations caseload. Previously, CITEs sent NCSC the data dictionary and NCSC responded with a data request that included data elements. CITEs is working to get the data coded for NCSC to in a limited manner. The actual data would be produced in 6-9-12 month intervals. Performance measures will be used to assess the effectiveness and efficiency of court operations in achieving program objectives. By looking at objective, quantifiable benchmarks, the court will be able to observe if practices are deemed effective or seen as performing to expectations.

6. Pilot, monitor, document anecdotes of success or lessons learned

The Court should document feedback that may be able to reflect on the success and challenges of program implementation. Anecdotes and quotes from court staff or court users can help identify opportunities for improvement and provide insight on training that may be needed for court staff or areas of confusion for court users.

Background

With a population of about 2.7 million residents, Miami-Dade County's 11th Judicial Circuit receives an average of approximately 17,000 cases filed in this circuit every year. High volume backlogs in pending pre-judgment caseload per judge as well as post-judgment caseloads for the division have exposed inefficiencies of the current case flow system being used, as it fails to move cases along efficiently.



Various contributing factors are causing contested cases to travel a sluggish path prior to disposition in this circuit. Cases in Miami-Dade are driven primarily by parties and attorneys, while judicial officers play a reactive role regarding pleadings that are filed with the court. Case managers also end up spending too much time assisting pro se parties with finalizing uncontested matters, that there is not enough time to adequately identify and analyze cases to place them on the correct track to disposition. Despite general magistrates providing ancillary support to judges by providing reports on

recommendations, these referrals often take an extended amount of time to be heard before a report is ever filed with the court or sometimes are not complied with once ordered.

In an effort to find alternative ways to move cases along efficiently, the 11th Circuit reached out to SJI in the fall of 2018 to request consideration of a domestic relations pilot. Administrative Judge Scott Bernstein, of the Family Division, is the principal architect of this pilot plan to shorten the life span of family cases, based on prior case management methods used by Judge Kreeger. The aim of this pilot is to reduce the life of family cases by introducing immediate court intervention once the case is at issue, and target specific elements to minimize conflict, reduce costs, and ensure that that best interest of the family remains intact. This pilot also seeks to provide attorneys and litigants with quicker access to a judicial officer.

Methods and Data

A comprehensive assessment was conducted of the current operations and key case characteristics of the Family Division of the 11th Judicial Circuit of Florida. 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 Family Division of the 11th Judicial Circuit of Florida 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.

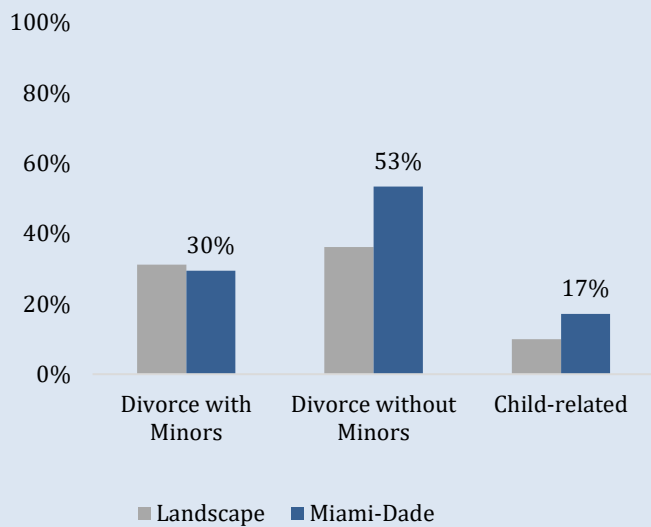
The tables and charts presented here include comparisons between Miami-Dade County and the aggregate across all courts included in the Landscape report. Miami-Dade represented twelve percent of the total Landscape caseload.

Case types were collapsed into three categories based on divorce/non-divorce and involvement of minor children in the case. The most common primary case type in Miami-Dade County was divorce/dissolution without minor children (53%), which was higher compared to the landscape overall (36%). Child-related cases (17%) involved parental responsibility (e.g., paternity, child support) not initiated by a divorce/dissolution case.

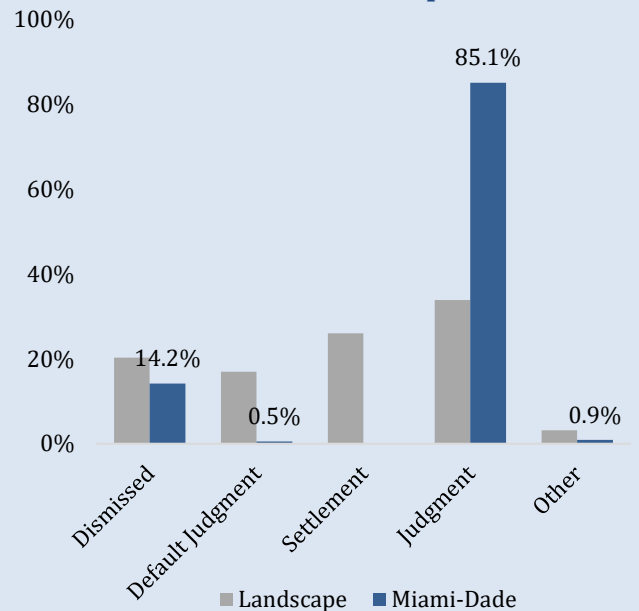
Overall, divorce/dissolution regardless of presence of minor children was the most prevalent case type across all sites (83% Miami-Dade, 76% Landscape).

Miami-Dade County had a similar rate of dismissals (14%) compared to the Landscape sites overall (20%), and a much higher rate of judgments (85% and 34%, respectively). This is likely due to the inability to capture settlements and default judgments distinctly from decrees and final judgments. Though there may be a settlement or default judgment, the CMS only captured the final judgment as the manner of disposition.

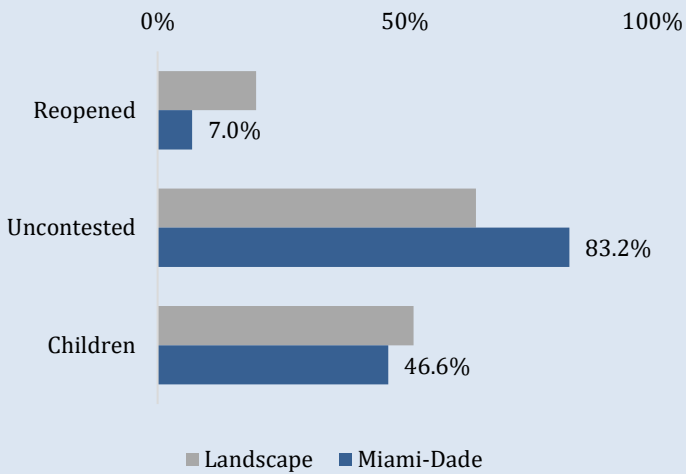
Primary Case Types



Manner of Disposition



Case Characteristics



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

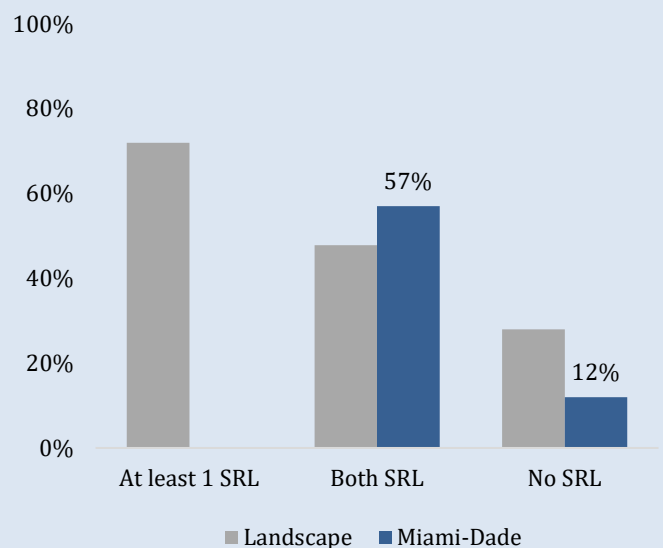
Reopened status indicates that a case disposed within the study time frame was a reopened petition for modification or enforcement. Initial petitions were counted separately. Overall, about 20% of all Landscape cases were reopened petitions, while Miami-Dade County reported about 7 percent.

Contested status was examined, finding 83% of cases in Miami-Dade were uncontested (Landscape, 64%). Reopened petitions were more often contested than initial filings (*Initial filings*: 14% contested; *Reopened petitions*: 44% contested). The proportion of minor children present in cases was similar between Miami-Dade County (47%) compared to all sites (52%). Minor children in the case also related to contested status (*With minor children*: 26% contested; *Without minor children*: 8% contested), and reopened status (*Initial filings*: 45% with children; *Reopened petitions*: 79% with children).

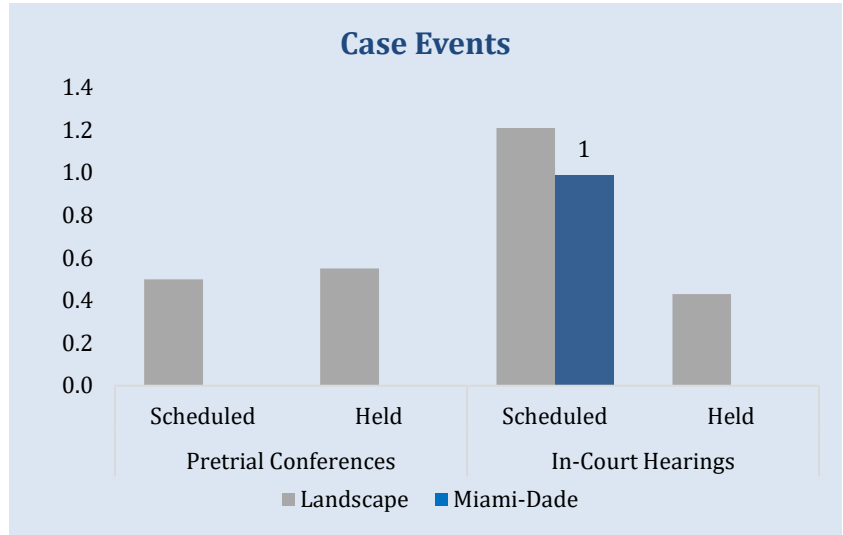
A large proportion of self-represented litigants (SRL) was expected to be a key finding across the *Landscape*. Overall, 72% of cases involved at least 1 SRL across all sites. In Miami-Dade, 57% of cases involved no legal counsel for either side (both SRL) with only 12% of cases in which both parties were represented (no SRL).

Differences in SRL status were found by case characteristics. Reopened status was positively related to greater number of represented parties in Miami-Dade (*Initial filings*: 10% both rep., 59% both SRL; *Reopened petitions*: 38% both rep., 30% both SRL). Contested status was related to SRL status in the expected direction (*Contested cases*: 31% both represented, 38% both SRL; *Uncontested cases*: 8% both represented, 61% both SRL). Similarly, minor children involved was positively related to greater number of represented parties (*With minor children*: 18% both rep., 50% both SRL; *Without minor children*: 6% both rep., 64% both SRL).

Self-Represented Litigants

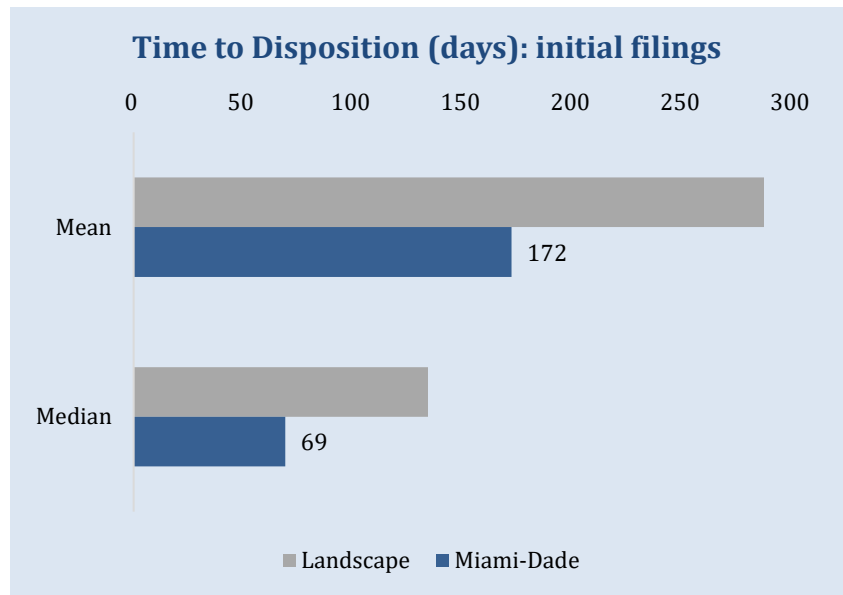


Number of case events was captured as a proxy for case processing practice. Miami-Dade’s case-level data did not include all event types requested for the *Landscape*. Overall, an average of 0.5 pretrial conferences were scheduled and 0.6 held per case across all sites. In Miami-Dade, an average of 1 hearing was scheduled per case compared to 1.2 scheduled and 0.4 held overall across sites.



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 Miami-Dade County to the Landscape sites overall, finding that Miami-Dade was faster compared to the overall mean (172 and 287 days, respectively) and median (69 and 134 days, respectively).



Call Out Box

Site Visit

A site visit occurred July 1-2, 2019 at the Lawson E. Thomas Courthouse Center in Miami, Florida. Each morning the site visit team met with Eugene Carral, the Director of Family Operations. They presented on the FJI to the court's entire pilot team and representatives from the civil division on the first day of the visit. Throughout the site visit, the team conducted individual interviews with several family court stakeholders including: General Magistrate Mendez-Locke, Vivian Perez from Mediation, J.C. Carmentate from Family Self Help, Erika Ruiz from Family Court Services, Administrative Judge Bernstein, and Senior Judge Kreeger. During the site visit, the team also met with several departments that support the court including Family Case Management Unit, Jennifer Cates and Doreen Ruggiero from the Clerk of Courts, and the CITEs Team who provides IT and data management support. The team also observed uncontested dissolution of marriage cases and case management conferences in the courtrooms of Judge Ruiz Cohen and Judge Cuesta and more complex cases in the courtroom of Administrative Judge Bernstein.

Key Players

Judicial Officers

There are 15 judges and 8 General Magistrates in the Family Court. Each judge has a Clerk, Bailiff, and Judicial Assistant. The Clerk is from office of the elected Clerk of Courts, and the Bailiff and Judicial Assistant are the judges' personal staff. As noted in the interview with the Case Managers, practices and philosophies vary across judges.

Family Case Managers

There are currently six Case Managers. Family Court struggles with maintaining full case manager staff and suggests that eight Case Managers would be ideal. Case Managers are required to have a Juris Doctorate, although there are also interns who perform as a Case Manager.

Case Managers are responsible for confirming that all paperwork is submitted to move the case forward. Case Managers are assigned to uncontested cases, case management conferences, and joint domestic violence and family court cases. Case Managers prep cases two days before a hearing and are familiar with issues related to the case. They prep final judgement before court.

The role of the Case Manager has shifted since it began. Originally, Case Managers played a larger role in working from their offices, making phone calls, and collecting documents; however, they now spend a good deal of their time preparing for and attending court hearings. Judges have come to rely on them for their intimate knowledge of the case and expertise. This shift was one of the impetuses for the pilot.

There is a recent effort to formalize the protocols for Case Managers to make practice consistent across Case Managers. This can be difficult because judges vary in their expectations and courtroom practices. For example, in some courtrooms, clerks do not know how to fill out an injunction, and in those

courtrooms, the Case Manager is responsible for that task. A Case Manager, Brendalee Marcenaro, has developed a series of checklists to walk Case Managers and interns through what is needed for every case type.

Self-Help Services

The court has a robust Self-Help program that is entirely self-supported. Between 200-250 people access services provided by Self Help every day. Pro se litigants filing a divorce action, name change, paternity, child custody, or post-judgement modification can obtain packets for a \$25-65 service fee and have their paperwork reviewed. The program also offers a free online chat on their website and individual workshops for assistance with completing forms (\$50-100).

The Self-Help program is monitored via a managerial dashboard (QMatic) that shows wait times and people in line. Monday and Wednesday are "blitz" days – Self Help staff see all uncontested, no children, no property, no debts on those days. They added satellite office in South Dade in September 2018 with one paralegal. There is some stakeholder interest in opening additional branches, but uncertainty about where the branch should be added.

In December 2018, Self Help services implemented the opportunity for dissolutions of marriage with no children, property, or debt to be able to bypass a court appearance for a small fee. Since starting this option, 244 out of 300 eligible cases have opted to avoid a court appearance. J.C. Carmenate mentioned the opportunity to expand this process to other case types.

Mediation

Per interview with Vivian Perez, Miami-Dade has paid mediators, vendors, and volunteer mediators.

Mediators will receive a paper order, or a referral will be called in directly from court; this practice varies depending on judge. Some judicial officers refer to mediation prior to the initial hearing. Mediation will occur within 30-60 days and are scheduled to last about 2 hours. "Short order" mediation deals with children issues only; "long order" mediation deals with children and distribution of assets. Mediation staff can do temporary deals when they are not ready for a long-term arrangement.

After a case is referred, mediation staff verify that it is appropriate for mediation and check Odyssey to determine if there is another open case. They enter case information into internal mediation case management system that was developed in house by CITEs. Then, the mediators contact parties and coordinate dates for the mediation using an Outlook Calendar. Following a mediation, mediators write up the agreement and submit it to the court. If they have identified an issue through the mediation, such as alienation, they can write in the agreement that the family should be referred to Family Court Services.

Family Court Services

Family Court Services has 16 employees and works with 900 families. The unit serves the Unified Children's Cases Division, Family Court, and Domestic Violence. There are 47 judicial officers who can refer to Family Court Services. In 2000, a non-profit organization, KidSide, Inc., was formed to help support Family Court Services.

Family Court Services provides supervised visitation, in-house counseling and support services, and referrals to community resources like counseling, DNA testing, substance abuse testing, social investigation (home study), and parenting coordination. Unlike resources available in the community, Family Court Services is completely free and, according to Erika Ruiz, can often act on referrals faster than outside agencies. Currently 20 families are having supervised visits, and there are 30-50 more on the waiting list.

Family Court Services sees several of the most highly conflicted families in Family Court. Erika Ruiz identified several “red flags” that a case may need more intensive services including emergency DV/violence petitions, allegations involving firearms or substance use, time sharing conflicts, spouse in the military, police incidents.

Process map (statues, court rules, business practices)

Statutes

Divorce in Florida is called Dissolution of Marriage. Either spouse may file a petition for dissolution of marriage with the circuit court. The other spouse must answer the petition within 20 days of being served. One party must have been a Florida resident for six months immediately preceding the filing of the petition, and the party must declare that the marriage is “irretrievably broken.”

A new administrative order requires joint domestic violence and family court cases to be seen by the same judge in family court; however, interviewees voiced a concern that these specialized cases are getting a lesser level of service in family court than in domestic violence court.

Pre-filing

Self-represented litigants can obtain the necessary forms for filing for a dissolution of marriage and receive assistance completing the forms at Self Help. There is a fee for the forms, but it can be waived. The forms are also available cost online.

After the forms are complete, they need to be notarized and filed with the clerk of the circuit court. Self-help personnel can notarize and file the petition and set a date for a hearing if necessary. For a small fee, self-help personnel can facilitate the judgement of uncontested dissolutions of marriage with no children and no debt.

Post-filing

Once a petition is filed, the respondent has 20 days to file an answer. If the answer agrees with petition and all required paperwork has been filed, the case is considered to be uncontested and can move forward to a final hearing. If the respondent files an answer that disagrees with the petition, the case is considered to be contested and must file a notice for trial. Some judges send these cases to mediation before a final hearing is set.

In either case type, the Judicial Assistant may set hearing dates, but it is not practice in Miami-Dade for the Judicial Assistant to confirm receipt of required paperwork before moving forward with the case. A

Case Manager is assigned to uncontested cases, case management conferences, and joint domestic violence and family court issues. The Case Manager confirms the filing of the required paperwork and prepare the final judgement before the hearing. Although the Case Manager identifies issues with paperwork, these issues typically are not discussed until the day of the hearing.

In court

Dissolution of marriage cases can be seen by the General Magistrate or a Judge. Judges have the support of a Judicial Assistant (personal staff to the judge), a Bailiff, and often a Case Manager. General Magistrates operate alone with no support staff. General Magistrates can issue orders, but the orders do not become judgements until they are signed by a judge in 10 days. There are times when this 10-day period can be waived.

As observed during the site visit, in the hearing, the judicial officers ask litigants to state their names and the name of their spouse. They also ask if the marriage is “irretrievably broken,” if there are children or if the woman is currently pregnant, and if there is property. If there is a settlement agreement, the judge asks if the agreement resolved all issues, if the party is satisfied, if they signed freely and voluntarily, and if they have a proposed final judgment. Parties can obtain a certified copy of the judgement that day. Post-judgment motions return to the same judge, if possible.

Data Systems

The data system for Miami-Dade Court Clerk is Odyssey. Many of the court’s programs, such as mediation and Family Court Services, track their data through internal case managements systems developed in-house by CITEs.

The civil division, who participated in CJI last year, recently implemented a new program, CourtMAP, which allows attorneys to schedule their own cases and frees Judicial Assistants from that responsibility.

Data Use

There is some precedent for judges reviewing data pulled from Odyssey to manage cases. Judge Kreeger, for example, reviews her pre-judgement inventory monthly to identify cases that need to be scheduled and/or closed. The Self-Help Center uses a managerial dashboard, QMatic. This program allows the director to view wait times and adjust staffing as needed.

Pilot Pods

The court conducted a soft rollout to test the pods. On July 1, 2018, six judges were split into three pods with a case manager and a general magistrate. The impetus for the pod pilot was to reduce the amount of time that case managers were spending in court, and to improve communication between judges and general magistrates to better serve the public and increase institutional memory for each case. Each pod was given freedom to design its operation.

Alignment with FJI Principles 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?

Chief Judge Soto of the 11th Judicial Circuit is supportive of this project and supported the CJIPP project which represented a large shift in case management for the circuit civil division. Administrative Judge Bernstein of the Circuit Family Division is the architect of the pilot design and supports court-controlled case management but wants to ensure that the bench will buy-in and implement the new procedures. The Director of Family Operations is the primary developer/implementer of this pilot. The division has already implemented a soft pilot of case management “pods” made up of a subset of their judges, general magistrates, and case managers. Most domestic relations cases in this circuit are self-represented, so the perspective from the bar is less well-known, but attorneys would benefit from education about this pilot such as CJIPP provided to civil attorneys.

- 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?

Miami-Dade is nationally known for their problem-solving courts, initiating the first drug court, mental health court, and GRACE court, among others. The court benefits from the civil division’s prior success with the Civil Justice Initiative, in-house mediation, and a comprehensive Family Court Services that provides access to a range of ADR, classes, and counseling. The circuit family division does not currently

have a problem-solving court but provides many tools for problem-solving in family cases. There are case managers in place, however, their role has shifted as they now spend more time in hearings and less time actively moving the case forward. There appears to be disagreement among judicial officers on how court staff's roles and responsibilities in moving cases forward.

Recommendation:

Consider establishing processes and defining duties for each member of the case management team to include in a case management cookbook. The development of a cookbook can describe tasks that the court staff should be trained to undertake and can also provide guidance about the training staff will need to function effectively.

- 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 also has a well-resourced Family Court Services (FCS) office that provides access to a range of services from supervised visits to counseling. The Manager of FCS educates judges on recommended services for families depending on their individual needs and follow up services to ensure long-term support and sustainable outcomes. The court also has a self-supported Self-Help Center that offers a wide range of support from free online chat, to packets for a nominal fee, to individual workshops for completing forms.

- 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?

Case managers are required to have their juris doctorate, although interns may also fulfill this role, and Family Court Services staff are highly trained. Interviews suggested that there is an opportunity for more training of court staff on critical issues. Of note is the recent administrative order that requires joint domestic violence and family court cases to be seen by the same judge in the family court and the need to provide more training around issues related to family violence.

- 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 difficulty is it to locate these materials online? Do online materials reflect the current version of forms, rules?

Miami has a robust Self-Help Center with plain language forms in multiple languages, in-person help and appointments, assistance with filling out forms, explanations of the court process, etc. This center can provide support throughout the case. The court website allows parties to schedule an appointment online for the Self-Help Center and to order form packets through the mail. Simple instructions and explanations are also on the website sorted by “before your case,” “during your case,” and “after your case.” A link to forms and their instructions is also on the court website but serviced through a statewide website.

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 is planning a pilot process to triage cases to a pod using a screening tool. The pod will consist of a case manager, two judges, and a magistrate. This pilot is set to start in April 2020, and the intake form will be used to identify the appropriate pathway.

Judge Kreeger believes there is an opportunity to gather more information at filing. When an answer is filed, expected issues in the case should be identified. Things to look for may include eligibility for simplified dissolution of marriage, no conflicts/agreement between parties, no children, no property or debts, length of marriage, length of separation, allegations of domestic violence, mental health issues, substance abuse, established paternity, location/relocation issues especially when minor children are involved.

Recommendation:

The Executive Committee should establish their charge; that is, determine what is the primary purpose for the pilot and what they want to achieve through this pilot. For example, they may aim for improved judicial and employee satisfaction, increased consistency among processes, or addressing staffing shortages. Then, they should define the Pathways and establish nomenclature. To do this, they can clearly describe the scope of each pathway and consider if the intake form aligns with the defined pathways. Next, the Executive Committee should develop policy and procedure documentation (e.g., a “Cookbook”) to establish formal processes and define duties for each member of the team.

- 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?

There is one option for a final divorce decree to be issued by mail without an appearance by the parties before a judge, but they must be in agreement, have no minor children between them, and have no substantial assets or debt to divide. In December 2018, Self Help services implemented the opportunity for dissolutions of marriage with no children, property, or debt to be able to bypass a court appearance for a small fee. Since starting this option, 244 out of 300 eligible cases have opted to avoid a court appearance (as of July 2019). There may be an opportunity to expand this process to other case types. Case managers are responsible for reviewing paperwork and preparing the final judgement before the hearing. Typically, issues with paperwork are not discussed until the day of the hearing.

- 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?

Miami-Dade's in-house mediation department has paid mediators, vendors, and volunteer mediators. Some judicial officers refer to mediation prior to the initial hearing before a final hearing is set. The mediation usually occurs within 30-60 days of the order. They are looking to streamline the process for accessing mediation through the pilot. There are case managers in mediation who verify the issues and follow up on the needs of the case before it goes to mediation. They can help determine a temporary agreement until the next court date and are starting to explore ADR.

- 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?

Family Court Services is well-resourced and offers a range of services to cases with high levels of conflict, including supervised visitation and counseling. There is currently a wait list for supervised visitation, indicating a high need for these services. There are community agencies that provide this service; however, the community agencies charge users while the Family Court Services can provide services at low or no cost.

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?

Family Justice Initiative Principle 10 outlines the importance of identifying and strengthening partnerships, to provide services and inform reform efforts. Judicial leadership and participation by court professionals is needed to identify resources and supports for domestic relations. Executive Committee members can be chosen from the wide variety of court staff.

- 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?

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?

There is some precedent for judges reviewing data pulled from Odyssey to manage cases. Judge Kreeger, for example, reviews her pre-judgement inventory monthly to identify cases that need to be scheduled and/or closed. Family Court Services and the mediation department use ad hoc databases built and supported by CITEs. The Self-Help Program uses a managerial dashboard, QMatic. This program allows the director to view wait times and adjust staffing as needed. The entire Miami-Dade court system is rolling out CourtMap which will allow the public to schedule their hearings and relieve the Judicial Assistant from this responsibility.

Recommendation:

The Court should continue to gather data from the various databases in use to understand the landscape of their domestic relations caseload. Performance measures will be used to assess the effectiveness and efficiency of court operations in achieving program objectives. By looking at objective, quantifiable benchmarks, the court will be able to observe if practices are deemed effective or seen as performing to expectations.

The Court should document feedback that may be able to reflect on the success and challenges of program implementation. Anecdotes and quotes from court staff or court users can help identify opportunities for improvement and provide insight on training that may be needed for court staff or areas of confusion for court users.