



# Domestic Relations: Addressing Backlog and New Filings

A Pandemic Resource from NCSC

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As articulated in the [Children, Family, and Elders Overview](#) document and as shown in recent court data, domestic relations cases are becoming backlogged and courts are struggling to stay ahead of new filings.

Here is what you need to know about impacts of the 2020 Pandemic on Domestic Relations, Parenting-Time, Child Support and Domestic Violence and what courts can do to address backlog in the near and longer term.

## Impacts of the Pandemic on Domestic Relations, Parenting-Time (Custody/Visitation), Child Support and Domestic Violence

- **Child Support:** The conditions of the COVID-19 pandemic have modified the personal economic circumstances of many. In court, this translates to increased claims, motions to modify, and motions to collect.
- **Orders of Protection:** Many courts have prioritized hearing of these matters. Nevertheless, preliminary data indicates that deferred hearings and matters are accumulating.
- **Divorce and Dissolution:** COVID-19 related disruptions are expected to increase filings for dissolution and motions related to parenting time. Preliminary data indicates that deferred hearings and matters are accumulating.

## Proven Case Management Methods

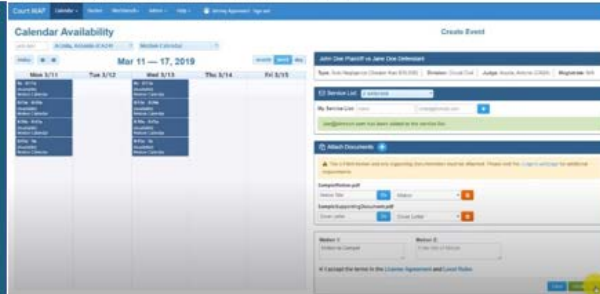
- [Children, Family, and Elders Overview](#) document provides 12 Steps to Address Backlog during the pandemic conditions.
- A triage or Pathways approach can help to expedite some 80% of all domestic relations filings. [See Alaska's study here.](#)
- More information on Triage, Pathways and the CCJ/COSCA Family Justice Initiative including model templates and other state examples is here: [www.ncsc.org/FJI](http://www.ncsc.org/FJI).
- The detailed [administrative order in McHenry County, IL](#), regarding the entry of final judgments and parenting allocation judgments describes the temporary “fast track” process for obtaining a final judgment in uncontested family law cases without a court appearance.
- Courts should establish a court-wide case management order, much like [Colorado Rules of Civil Procedure 16.2](#). Stating that “family members stand in a special relationship to one another and to the court system,” Rule 16.2 provides clear guidance of each process and timeframe, closely overseen by the court.
- Chapter III, *Family and Probate Cases* (pp 42-56) of [Caseflow Management: The Heart of Court Management in the New Millennium](#) (2004) provides specific case management advice for divorce, protection orders, and coordination of related cases.

## Court Solutions Across the Country

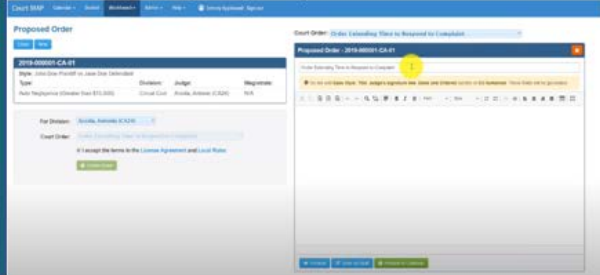
### Allow Family Court Users to Schedule Their Own Hearings

The 11<sup>th</sup> Judicial Circuit of Florida (Miami-Dade) uses courtMAP, an online management system that provides scheduling, automatic hearing notifications/reminders, and allows judges to create and send orders electronically.

#### Scheduling to a Motion Calendar

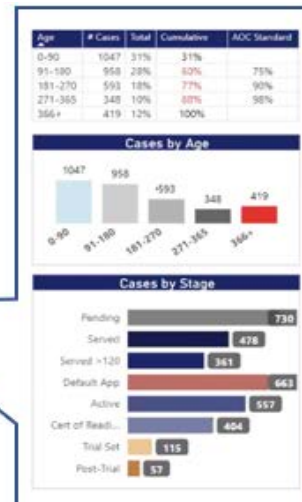


#### Submitting an Agreed/Proposed Order



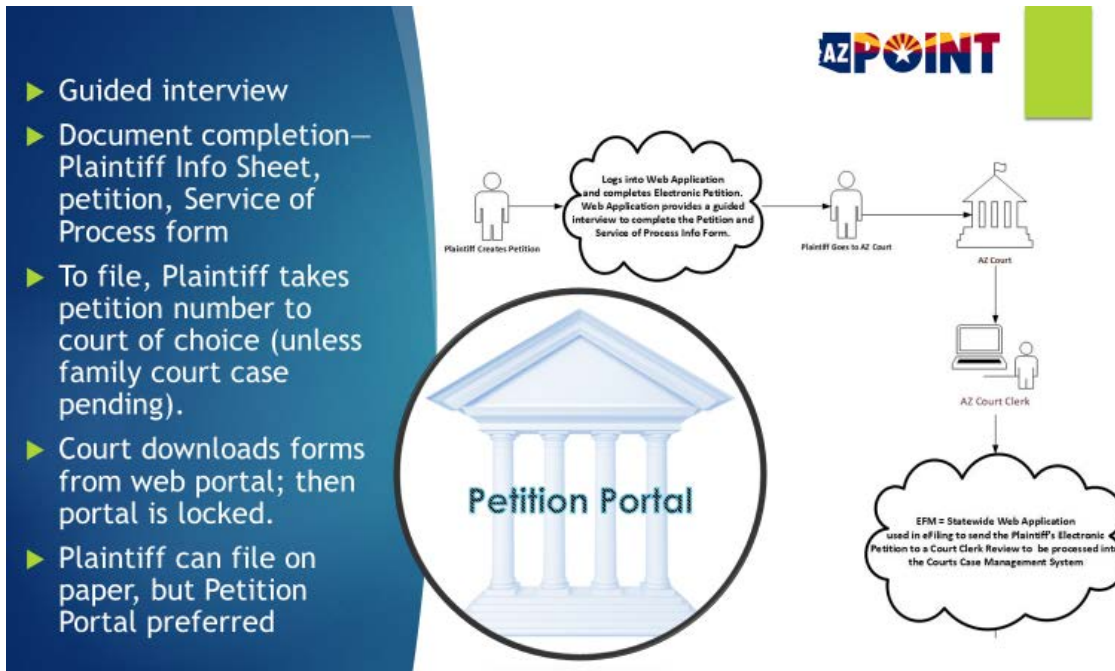
### Use Data to Closely Monitor Your Caseload

Pima County, Arizona has developed a Power BI dashboard to monitor family cases nearing timeframes and ensure compliance with hearings, mediations, and parenting classes. Court staff communicates with parties to keep cases on track.

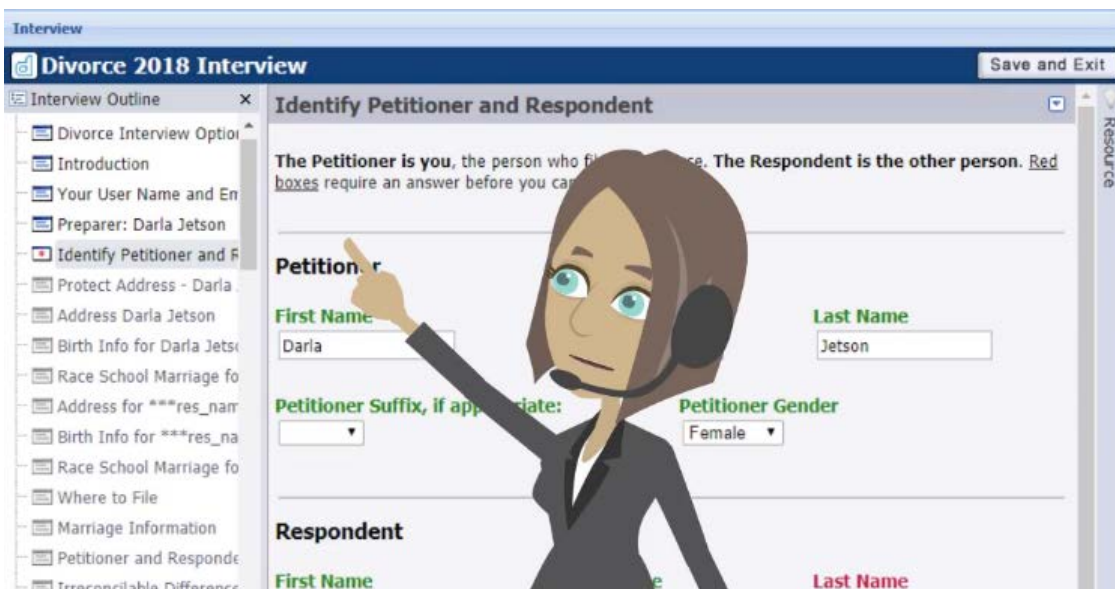


## Use a portal for domestic violence cases and orders of protection (Arizona, Utah)

Arizona uses the AZPOINT portal to walk users through forms for orders of protection and to provide notification of the same. The portal also directs users to victim advocates and has a “Safety” button on each screen. Once paperwork is received through the portal, the court can conduct telephonic or video evidentiary hearings as needed.



Utah’s Online Court Assistance Program (OCAP) assists users with divorce and other court forms through a series of guided questions. Parties can save, make changes, and print final documents. The e-filed documents are automatically provided to the other parties.



## Setting Expectations in Custody and Visitation Matters

- Statewide guidance from the Supreme Court or Administrative Office may establish broad policy and set parameters for more specific local directives. See, for example, the Michigan [FAQs About Custody and Parenting Time During the COVID-19 Outbreak](#); and [Custody and Visitation Recommendations](#) from the North Carolina Judicial Branch.
- The Ventura County, California [Administrative Order Re Mandatory Guidelines for Custody/Visitation Orders in Response to COVID-19](#) sets a clear directive to parties that prior orders remain in effect. It establishes the court's expectations regarding school closures, change of custody transfer locations, how visitation should be supervised (if required), and a host of other contingencies.
- [The Bucks County, PA family court emergency operations order](#) provides detailed guidance on reporting to the other party the actual or suspected presence of the COVID-19 virus in the household and its effect on an existing custody order.
- The [32nd Circuit of Alabama Administrative Order](#) on custody and visitation states emphasizes the presumption of maintaining prior court-ordered arrangements and that modification requires "admissible facts." The court also sets expectations that parents will follow CDC guidelines about self-quarantining and any state and local pandemic directives.

## Mediation/ADR and Online Parenting-Time Dispute Resolution

As the [McHenry County IL standing order on mediation during the pandemic](#) notes, "Mediation can help recognize, foster and preserve the best interests of the children involved in divorce and family litigation." Many public and private mediators are successfully facilitating agreements remotely during the pandemic.

In response to the need to resolve parenting time disputes arising during the pandemic, The North Dakota Supreme Court instituted an [Expedited Parenting Time Mediation Program](#) providing for up to two hours of free mediation services to parents with an existing parenting time order.

Peoria County, Illinois and [Los Angeles County](#) are two progressive courts that have implemented automated assistance (e.g., Tyler's Modria product) for parenting-time. Parties in Peoria County have enthusiastically embraced the processes and the court is working to measure party satisfaction on an ongoing basis.

**Welcome to the Family Resolution Center**  
This program allows everyone involved in a parenting plan to easily access the information in a convenient and timely manner.

**CASE PARTICIPANTS**  
Use this program to create a parenting plan online.  
You don't have to present your case to a judge and wait for a decision. Instead, work with the other parent to create a plan that works for you both.  
If you can't find a solution online, you can still go through the traditional court process.

**MEDIATORS**  
Use this service to:  
• Expand your geographic reach  
• Take on more cases  
• Reduce administrative burdens  
When mediating online, you can:  
• Access all relevant case information  
• Interact with case participants  
• Create resolution plans  
• And more!

**COURT STAFF**  
This service is separate from the court.  
Details about the case participants' negotiations are unavailable.

## Other Ideas and Resources

- See this [Tiny Chat on Child Support](#) for insights on presiding over a Zoom child support docket.
- **Informal Domestic Relations Trials.** Having originated in [Oregon](#) and now used in Alaska, IDRTs relax the rules of evidence to provide quicker case processing at the same time providing greater satisfaction for judges, staff, and parties alike. See <https://www.ncsc.org/services-and-experts/areas-of-expertise/children-and-families/fji-update/fji-resources>.

**Tools like DocuSign and Virtual Private Networks (VPN)** assist case processing by allowing staff to connect to private court networks remotely and electronically sign documents, request signatures, check document status, and send reminders. (Cuyahoga County, OH).

**Virtual Assistance to Parties.** Nationwide, courts have retrofitted processes to provide assistance virtually. In Massachusetts, court users conduct business directly with registry personnel through the internet by clicking a [link](#).

**Electronic Parenting Classes.** Courts in Arizona and elsewhere provide parenting and other classes by community-based providers online.

**If your state or court has innovated other case management solutions in Child, Family or Guardianship matters or if you would like to participate in upcoming webinars, we want to learn more.**

For more information on Domestic Relations, please contact the CCJ/COSCA Pandemic Advisory Committee on Child, Family, and Elders matters through Alicia Davis [adavis@ncsc.org](mailto:adavis@ncsc.org).