



CADY INITIATIVE

GUIDING COURTS TOWARD IMPROVED OUTCOMES FOR FAMILIES

Considerations for Automating Triage of Family Cases

Introduction

In this working session of the Cady Collaborative held April 15, 2021, participants discussed how courts have applied criteria for determining party needs and pathways, reflected on innovations in automation, considered minimum requirements for automating triage of family cases and established next steps.

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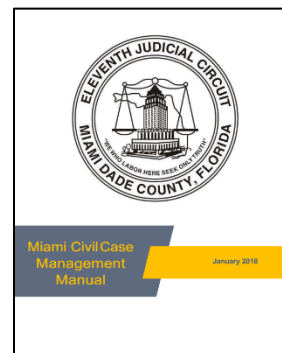
Jonathan Mattiello

How Courts Have Applied Criteria for Determining Party Needs/Pathways

Yanitza Madrigal, Technology Services Business Analyst of the 11th Judicial Circuit, Miami-Dade County, Florida presented innovations aimed at reducing delays in civil cases.

When implementing the [Civil Justice Pilot Project](#), the Miami-Dade team, led by Judge Jennifer Bailey, began by analyzing current caseload. They focused on Age of Pending Caseload and Clearance Rate to identify possible improvements or common trends or delays that were observable from the data. With three Pathways (streamlined, standard and complex), the study group worked to categorize cases according to delays, longevity, and complexity. Streamlined cases do not require significant attention or multiple hearings and can be easily closed within one-year, as opposed to complex cases which require additional case management tracking and/or additional case management conferences.

Miami-Dade also considered different case types to see how long different case types took to close in order to group them by categories. They looked at cases that should have closed within a year and considered barriers, itemizing common delays and assigned case management tasks to move cases along. A [case management manual](#) was developed to show step by step, the process of the case and what should take place. For each of the different Pathways they came up with a case management plan and assigned certain deadlines for each of the different items that should take place within the stage.



The process was done by hand until Tyler Technology demonstrated the Odyssey Time Standards feature. This allows staff to subscribe to any manual track and track any case activities, and provides deadlines. When a case is filed, attorneys use a civil cover sheet to identify the type of case being filed, which then assigns a Pathway. The Pathways are flexible and can be configured to change pathways based on a triggering event, such as the filing of a motion. Currently, judges oversee the case management functions.

More information on Miami-Dade's [pathways or time standards](#) or the [configuration guide](#) may be found at the links provided.

Alaska’s State Court Administrator, Stacey Marz, explained the [screening criteria](#) that has been in place and [shown to be effective](#) in Alaska.

Alaska reviews cases primarily through the statewide Self-Help Center that focuses primarily on family. Trained court employees screen for eligibility of the Early Resolution Program. The first level of screening is to find the right kind of resolution approach. The second level of screening is to establish the right resource to help parties reach an agreement. Screening based on the petition and response and a review of court history can be as fast as 30 seconds and as long as a couple of minutes. Elements that provide predictive benefit of the degree of case complexity are:

- length of marriage
- length of separation
- significant property and/or debt
- age(s) of child(ren)
- existing arrangements regarding decision making and parenting time.

Cases are screened for presence of domestic violence. When a history of domestic violence or present allegations exist or when there are relocation issues, this indicates a need for judicial attention.

Below, are other examples of applied criteria for determining party needs.

- Colorado developed a [Domestic Relations triage tool](#) to assess cases and make the appropriate Pathway determination.
- Connecticut Family Services utilizes a brief [triage questionnaire](#) filled out by parties, and the state instituted a new [Family Court Pathways Approach process](#).
- Marion County, Indiana developed a [Family Division flowchart](#) that outlines the triage process.

Advances Towards Automation

Judge Keven O’Grady of Johnson County, Kansas has been working to innovate the automation of [triage of family cases](#).

The automation of triage of family cases for Johnson County is based on the idea of getting the right services to the right families, at the right time. Johnson County uses the Alaska predictive factors as well as their own experience to identify cases that are going to require services and provide them earlier in the case. They also looked for ways to get cases that did not need services, through the system, faster.

Using a Google survey, Johnson County found a solution to sort cases that was easy, quick and does not require much staff. The survey consists of a small list of binary yes or no questions, where parties' responses to the questions help identify the degree of intervention. The survey helps identify if a case is eligible to be placed on an expedited quick docket, needs additional supervision, or needs to be seen by a judge, faster. Some example questions of the survey, include:

- If the party hired a private mediator
- If there is a written and signed agreement in place
- If there is a pending bankruptcy
- If police were involved
- If there is a DV charge

The Google survey produces a spreadsheet report that is used to place the case into the correct track. The hope is to have high conflict cases get to judges in a 60-day range rather than six months.

Trial Court Administrator, Rena' Parker, of Illinois's 10th Judicial Circuit Court (Peoria) provided an overview of the [Modria Online Family Resolution Center](#).

Peoria County has a Self-Help Center to assist Self Represented Litigants that has computers and resources, but no actual staffing. Processes of assisting the SRL's through a divorce process was very limited and often left parties unsure of what they needed to do, resulting in judicial involvement. These cases required a lot more attention by judges and took up more court time. The lack of funding for staffing resulted in the development of the Modria Online Family Resolutions Center.

The Online Family Resolution Center is a web-based program that is fully integrated with their case management system and allows parties to communicate asynchronously and is accessible 24/7. The triage process with the courts is done by the judges, and after a review to see if filings are with children or without, if filings are with children, the case is eligible to participate in the Online Family Resolution Center to help in creating the parenting plan.

This system is user friendly, information is written in plain language, and provides examples to assist parties, while creating and reviewing proposals for parenting plans. The Online Family Resolution Center provides detailed explanations of each component of a parenting plan and any additional special terms. The system has been a valuable education tool for SRLs.

The program costs nothing to the SRL and the Illinois courts are paying \$25 per participant for the extensive program. The system was not an out of the box program and had to be completely written by Tyler Technology and is based on Illinois statutes.

Below is another example of advances in automation.

- The [Colorado Domestic Relations Triage](#) project identified a triage screening tool, case tracks, and performance management processes.

Minimum Specifications for Automating Triage of Family Cases

	Must do	Must not do
<u>Streamlined</u>	<ul style="list-style-type: none"> • Review cases quickly. • Get the case out of the court process as quickly as possible. • Offer a way to use a facilitator/mediator early on in a case. • Have a way for the court to “tie up loose ends / details” i.e., drafting of orders, filing of final orders in a timely manner - possibly order banks or template orders. • Have Domestic Violence screening 	<ul style="list-style-type: none"> • Do not rely solely on parties to decide if a case is “in agreement.”
<u>Tailored</u>	<ul style="list-style-type: none"> • Parenting education and procedural information. • Complaint for modification go to Pathway 1. • Early identification to set parties expectations and getting ahead of conflict. 	<ul style="list-style-type: none"> • Do not send a case for mediation or ADR late in the case when parties are entrenched.
<u>Specialized/Judicial</u>	<ul style="list-style-type: none"> • A hybrid approach to resolution. • Court intervention where needed but also allowing room for alternative means (ODR, external, etc.). 	<ul style="list-style-type: none"> • Do not “get in the way” of the resolution. • Allow for alternative modes of resolution. • Let parties make progress and step back as long as they are

- Simplification and “sorting hat” process need to be hands on with information up front.
- Active management to move cases along.
- A Domestic Violence component throughout pathway.
- Balanced and trauma responsive.

working on it (e.g., parenting class, getting things in order).

Next Steps

NCSC will work with Johnson County and other courts to design automated triage processes. As part of the automated triage design, additional data analysis may be required. Further consideration of predictive events will also be discussed.

Additional Materials and Resources

[The Cady Initiative for Family Reform](#) (“Cady Initiative”, formerly “FJI”) FJI was established in 2017 through the Conference of Chief Justices (CCJ), the Conference of State Court Administrators (COSCA), and the National Center for State Courts (NCSC) to study the handling of domestic relations cases in order to present national recommendations for redesigning justice for families, with partnership from IAALS, the Institute for the Advancement of the American Legal System and the National Council of Juvenile and Family Court Judges. In August 2020, CCJ/COSCA called upon state courts to redesign family justice processes and to: “aggressively triage cases at the first opportunity.”¹ Family Justice Principle 13.1 states:

Courts should offer parties digital solutions and virtual means of engaging with the court, but technology solutions should not entirely replace the in-person and in-court resources available to parties.

Grounded in principles of empowering parties and ensuring that courts are safety and trauma-responsive, the discussion above was intended to begin consideration of “criteria for implementing an automated triage process that conforms to the pathways approach”²

¹ [Resolution 4 In Support of a Call to Action to Redesign Justice Processes for Families](#)

² [Family Justice Principles 5- 8](#) and the [Model Process for Family Justice Initiative Pathways](#) set forth the pathways and encourage “e-filing, electronic case management systems and data analytics [to] facilitate collection of data elements that inform the pathway assignment.”

analogous to the [Criteria For Automating Pathway Triage in Civil Case Processing](#) and the [CJ Case Management System \(CMS\) Requirements](#).

Additional References:

- [Serving Self-Represented Litigants Remotely](#) (SRLN, 2016): “Use of multiple remote services (e.g., telephone, e-mail, live chat, videoconferencing and text messaging) is advantageous to the service provider and the user.”
- [Triage Protocols for Litigant Portals: A Coordinated Strategy Between Courts and Service Providers](#) (NCSC, 2013): “The modest goal of this paper is to introduce a framework of triage protocols to improve the litigant experience, expand access to justice and offer new efficiencies to courts and legal service providers.”
- [The Utah Online Dispute Resolution Platform: A Usability Evaluation and Report](#)

If your court would be interested in piloting or testing automation factors, please contact adavis@ncsc.org.