



The Family Justice Initiative

Court Readiness Assessment for Implementing FJI Principles

This document is for courts considering implementation of the Family Justice Initiative (FJI) Principles. This self-assessment tool is designed to help court leaders highlight priority areas and foresee potential barriers to implementation.

The Family Justice Initiative *Principles for Family Justice Reform* offer 13 discrete recommendations for state courts to better serve families. The principles are designed to remove unnecessary procedural barriers that prevent parties from resolving cases quickly and cost-effectively; to offer appropriate resources and tools for parties to use to develop solutions that fit their unique circumstances; and to identify and provide appropriate judicial involvement in high-conflict cases with especially vulnerable parties and children. Many state courts are already structured to comply with some or all of the *Principles* while others may need to make substantial changes to state statutes, court rules and business practices. This *Readiness Assessment for Implementing FJI Principles* is intended as a tool for state trial courts to assess the extent to which their practices align with the *FJI Principles*, to develop concrete plans for bridging gaps, and to prioritize those plans based on the resources available in each jurisdiction and the foreseeable impact that successful implementation of the *Principles* would have on families.

To use this tool, the court should appoint a judicial leadership team that is charged with implementing the *Principles*. The team consist of representatives from all areas of court operations that will be needed for effective implementation (e.g., judges, court administration, clerk of court, self-help services, family court services, etc.). Each member of the team should receive a copy of the tool and try to answer all of the questions individually before the group meets to discuss them collectively. This will ensure that relevant ideas and voices are not overlooked in the group discussion.

The tool consists of a series of questions that align with each *Principle*. These questions are intended to identify the extent to which current family court operations comply with or diverge from the *FJI Principles*. Following each section of questions is an action guide for the leadership team to specify potential ideas for bridging those gaps, discuss what would be involved in making changes, and make an initial assessment of the cost/benefits of making those changes. With this information in hand, the group can begin prioritizing which activities make sense to pursue, and in which order.

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?

Identify areas for improvement	How would you achieve change?	Describe cost and impact of successful change: <ul style="list-style-type: none"> ▪ low cost/low impact, ▪ low cost/high impact, ▪ high cost/low impact, ▪ high cost/high impact
a.		
b.		
c.		

- 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?

Identify areas for improvement	How would you achieve change?	Describe cost and impact of successful change: <ul style="list-style-type: none"> ▪ low cost/low impact, ▪ low cost/high impact, ▪ high cost/low impact, ▪ high cost/high impact
a.		
b.		
c.		

- 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)?

Identify areas for improvement	How would you achieve change?	Describe cost and impact of successful change: <ul style="list-style-type: none"> ▪ low cost/low impact, ▪ low cost/high impact, ▪ high cost/low impact, ▪ high cost/high impact
a.		
b.		
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- 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?

Identify areas for improvement	How would you achieve change?	Describe cost and impact of successful change: <ul style="list-style-type: none"> ▪ low cost/low impact, ▪ low cost/high impact, ▪ high cost/low impact, ▪ high cost/high impact
a.		
b.		
c.		

- 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?

Identify areas for improvement	How would you achieve change?	Describe cost and impact of successful change: <ul style="list-style-type: none"> ▪ low cost/low impact, ▪ low cost/high impact, ▪ high cost/low impact, ▪ high cost/high impact
a.		
b.		
c.		

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?

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a.		
b.		
c.		

- 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?

Identify areas for improvement	How would you achieve change?	Describe cost and impact of successful change: <ul style="list-style-type: none"> ▪ low cost/low impact, ▪ low cost/high impact, ▪ high cost/low impact, ▪ high cost/high impact
a.		
b.		
c.		

- 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?

Identify areas for improvement	How would you achieve change?	Describe cost and impact of successful change: <ul style="list-style-type: none"> ▪ low cost/low impact, ▪ low cost/high impact, ▪ high cost/low impact, ▪ high cost/high impact
a.		
b.		
c.		

- 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?

Identify areas for improvement	How would you achieve change?	Describe cost and impact of successful change: <ul style="list-style-type: none"> ▪ low cost/low impact, ▪ low cost/high impact, ▪ high cost/low impact, ▪ high cost/high impact
a.		
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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?

Identify areas for improvement	How would you achieve change?	Describe cost and impact of successful change: <ul style="list-style-type: none"> ▪ low cost/low impact, ▪ low cost/high impact, ▪ high cost/low impact, ▪ high cost/high impact
a.		
b.		
c.		

- 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?

Identify areas for improvement	How would you achieve change?	Describe cost and impact of successful change: <ul style="list-style-type: none"> ▪ low cost/low impact, ▪ low cost/high impact, ▪ high cost/low impact, ▪ high cost/high impact
a.		
b.		
c.		

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?

Identify areas for improvement	How would you achieve change?	Describe cost and impact of successful change: <ul style="list-style-type: none"> ▪ low cost/low impact, ▪ low cost/high impact, ▪ high cost/low impact, ▪ high cost/high impact
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For more information about FJI implementation, please visit www.ncsc.org or email adavis@ncsc.org.