

Family Court Department
Maricopa County Superior Court

Final Plan of Enhancement

December 7, 2004

The study of the Family Court Department of the Maricopa County Superior Court conducted by Greacen Associates, LLC identified a number of areas where improvement is needed in the family court. The specific areas that need to be addressed by our court include: 1) Developing a uniform case management system focusing on early judicial intervention; 2) Reducing delay in the processing of family court cases; 3) Utilizing referrals to administrative agencies more selectively; 4) Providing more legal information to self represented litigants to reduce confusion and frustration; and 5) Simplifying family court processes and procedures to provide a higher and more timely level of service to the public.

These issues require a comprehensive look at all of the family court's processes and procedures. Some of the needed changes have already been implemented, some are in the design stage, and others are yet to be developed. The process of improvement is by its nature perpetual, and the Maricopa County Superior Court has always, and will continue to, strive for excellence in developing the best judicial system possible. The initiatives in this Report are, of course, not exhaustive of changes that may need to occur, but represent only our initial analysis of the family court system. We are grateful to John Greacen and the Arizona Supreme Court for focusing our efforts in this regard.

We have begun what will be a long process of self-analysis. The family court bench and family court administration have responded professionally and enthusiastically to needed changes. New ideas from a wide variety of sources are being evaluated virtually on a daily basis, and the plan of improvement that we propose today will certainly be amended and enhanced as we find better and more efficient ways of delivering service to the public. We are acutely aware that everything we do affects children and families in crisis. We are in full accord with Justice Jones' directive that preservation of the family must be a clear priority in any plan we adopt, including diverting couples that wish to reconcile from litigation, and preserving what remains of a family relationship after a decree has been entered for the benefit of children. All of us that have worked in the family court system for any length of time recognize that protracted, acrimonious litigation is destructive to family relationships, is harmful to children, can impoverish the parents, and makes future conflict resolution more difficult.

In assessing the current family court system in place in Maricopa County, we have identified a number of initiatives that have or will be undertaken to promptly and meaningfully address the concerns identified in the Greacen

Report. In doing so, we believe it is helpful to analyze categories of cases that have common characteristics and dynamics. Such groupings are not always accurate and may need further refining, but any large urban court that achieves any level of efficiency is required to departmentalize and group cases that need to be processed in a similar way. In this regard we are commencing initiatives that will address all cases that are currently being handled by the family court and identified them collectively as: 1) Cases that are contested family court cases, i.e. all cases in which a formal Response has been filed; 2) Cases that proceed by default and are finalized without a Response ever having been filed; 3) Cases that are ultimately dismissed from the court docket without a final decree or judgment ever having been entered; 4) Cases identified as IV-D cases that are processed in a unique manner under Title IV-D of the Social Security Act; 5) Post-Decree and Post-Judgment cases filed to modify or enforce prior court orders; and 6) Integrated Family Court cases representing family court cases consolidated with juvenile and/or probate department cases.

Contested Family Court Cases

The largest and most pervasive problem we currently have in the department is the lack of a uniform case management system for contested family court cases. We are committed to replacing the current system of 25 judicial officers independently managing cases in different ways with a uniform case management system modeled after the Northwest Pilot Project. None of us would disagree that each judge has constitutional and legal responsibility to manage cases and do individual justice to each case assigned to that judge. In a large urban court system that is dependent on a wide array of ancillary and support services to address the volume of cases and issues that are unique to families, however, this principle is severely compromised as ancillary agencies struggle to satisfy the needs and desires of each judge operating with a different management style. Out of necessity, the direction for the support structure in the system comes from the agency itself, or at best from one presiding judge. The agencies simply cannot do anything efficiently in 25 different ways.

Of equal concern is the lack of continuity that a “do-it-your-own-way” system engenders. Our strength is, and must always be, the quality of the bench assigned to family court. Under the current model of rotation we have a few senior judges with experience in judging and in family law, a few judges with limited family law experience but some judicial experience, and some who are relatively new to both the bench and family law. The tragedy is that, as each judge gains experience in family court and develops innovative case management techniques, the experienced judges cannot leave much of a legacy for the department after they rotate to a new assignment. Each judge as he or she rotates leaves the assignment with a wealth of information and experience that is not institutionalized for the benefit of those to come because it is not applied to a uniform system of managing cases. The new judge is left to struggle

with which of the 25 case management styles are best, and essentially is condemned to make the same mistakes the experienced judge made in the beginning.

The criminal, civil and juvenile departments all have a uniform system of management that works extremely well. An inexperienced judge rotating to those departments is not only trained by many senior judges applying a uniform system, but is also molded by the established and uniform procedures and rules of the system itself. This not only protects the new judge until he or she is experienced, but also allows the judge to build on the best of a good system that has been refined over the years.

Not only is this diversity difficult for new judges who rotate to the assignment, but also attorneys and litigants can be frustrated or confused by the myriad styles of management. Judicial officers will always have different styles and opinions as they do in every assignment, but if litigants and attorneys faced more uniform expectations and procedures from all divisions, compliance with uniform procedures would be increased and confusion and delay would be reduced. The consensus of the family court bench is to adopt more uniformity in the way we process cases.

Initiative 1: Immediately implement a uniform case management system patterned after the Northwest Pilot Project model that can be continually refined and improved.

The family court bench held a retreat on August 27, 2004, to discuss needed changes, and resolved to implement a uniform case management system. Many of the family court divisions have now adopted the proposed uniform system, in whole or in part, and we hope to report to you in the future that a truly uniform system is present in our court. This initial case management system to handle contested cases is neither a comprehensive nor static solution, but it will give us a foundational structure to build upon. As Greacen recognized, our real strength is a respected and dedicated bench, and we, of course, want to utilize the skills and expertise of the bench in case management to improve the system. Some detailed management solutions will take a little time to develop, but if we can begin by intervening early in each case, requiring the parties to do similar things in preparation for hearings, use uniform titles for hearings, and have a common philosophy of permanently resolving each case as soon as possible, we will have some significant initial improvement, and provide a basic platform to enhance and improve upon as we move forward.

The uniform case management system is patterned after the system recommended by the Greacen Report and utilized at the Northwest Regional Court Center the last couple of years. Attached is a memo describing the

Northwest Pilot Project in detail (Attachment 1). The essential features of this uniform case management system are as follows:

1. Upon the filing of a Response by a pro se litigant, or upon the first request for court intervention in any case involving at least one attorney, the matter will immediately be set for a hearing called a Resolution Management Conference (RMC) (Setting orders attached as Attachment 2). The goal is to move the intervention point earlier as we further develop and implement the plan, perhaps incrementally, to intervene first in every self-represented case when the Response is filed, and eventually at a predetermined date after filing (Greacen recommends 75 days). This is what the NW Pilot called a Settlement Management Conference, but the new family law rules now being drafted call it a Resolution Management Conference. Using the latter title is consistent with the new proposed family court rules and should cause less confusion in the future.
2. For cases involving two attorneys, the RMC would be set before a Judge. Pro se cases would be set before an Attorney Case Manager, backed up by ancillary services and a Commissioner in the future as resources are available. Five Attorney Case Managers have undergone initial training, and this process has begun. We will be doing much more in this area as we begin to restructure.
3. Each party would be required, prior to the RMC, to: 1) Meet and confer with the other party (unless an Order of Protection is in place) to discuss settlement, or appear at the courthouse one hour prior to the scheduled RMC to do so; 2) Complete a Resolution Statement similar to the one attached (Attachment 3) for the court and exchange it with the other side prior to the RMC that simply states what the position of each party is and not why they are taking it (again, the new family court rules prescribe this form); and 3) Complete disclosure requirements prior to the RMC.
4. At the scheduled RMC, the positions of the parties are determined, solutions explored, any 80(d) agreements entered, temporary orders resolved by agreement, management is established as needed, and a trial date is set in every case (with rare exceptions). Basically, all management and settlement activity that a judicial officer is going to do is done at this first hearing.

Early management of cases not only benefits litigants and family relationships by providing stability and issue-resolution early, but it also greatly

reduces the number and length of subsequent proceedings. The Northwest Pilot model is adopted for a number of reasons:

1. These procedures are already authorized by Rule 16(b), Arizona Rules of Civil Procedure, and Maricopa County Local Rule 6.7. In many ways this case management model is simply a name change and enforcement of existing rules.
2. The model is not unduly invasive to existing management styles in the family court department, and should be easy to implement immediately. The initial changes only require each division to begin issuing the same orders and minute entries. Hopefully, all divisions can be persuaded to pursue final settlement at the first hearing, but currently scheduled hearings could continue to be managed as before by each division during the transition period, and concurrently allow each division to become comfortable with early resolution procedures. As we move forward, the foundation is established for more uniform management in the future drawn from best practices.
3. The new Family Court Rules of Procedure, which are currently being drafted by a Supreme Court Committee, contain a proposed rule for a "Resolution Management Conference" (Attachment 4). This rule mirrors the Northwest model. By using that model now, we have time to adjust to the coming changes, to test the rule before it goes into effect, and to suggest improvements.
4. The Greacen Report and the Arizona Supreme Court recommend the Northwest model of case management upon which to build a more uniform system.
5. The Northwest Pilot Project has produced good results, including early termination of cases, fewer referrals to ancillary services, fewer old cases, and more cases terminated.

December Status Report on Initiative 1

The RMC process was implemented by the Family Court department in September immediately following our August department retreat. New forms to schedule the early intervention conference (RMC) have been adopted and distributed for use by the department. The judicial officers who are utilizing the RMC process are providing feedback that they are pleased with the concept and report it to be aiding in the management of their calendars and cases. Individual training for judicial officers and judicial assistants on the new system is ongoing.

Initiative 2: To the extent personnel and resources allow, all self-represented litigants scheduled for an RMC with an Attorney Case Manager will be scheduled for a presumptive 1-hour trial to adjudicate all unresolved issues.

The Attorney Case Manager (ACM) at Northwest has been conducting these conferences for the last 2 years, and approximately 50% of these cases are fully resolved at this conference. Some litigants fail to show due to the notices being sent to the address in the Petition—rather than the address listed by the Respondent in the Response. This notification issue needs to be resolved and is addressed below in Initiative 27. The cases that are not fully resolved at the RMC will need some type of judicial intervention, and will be presumptively set on the judge’s calendar for a one-hour trial, or shorter time recommended by the ACM. At “trial” the judge could then conduct further discussions with the parties and/or trial activity as indicated to get the case fully resolved. The Northwest Regional Court Center has also instituted an enhanced pilot project to evaluate setting the RMC for self-represented litigants in the morning and their trial in the afternoon.

December Status Report on Initiative 2

Five attorney case managers are now actively conducting Resolution Management Conferences with pro se litigants. Early intervention in these cases is being accomplished with a RMC being scheduled by the court as soon as the case becomes contested by the filing of a Response. At the time of the RMC, one of three possible outcomes is accomplished: 1) The case is fully resolved with a full Consent Decree that is prepared, signed and forwarded to a Court Commissioner for signature; 2) The parties are able to reach final partial agreement on some of the issues that is memorialized in a written agreement that is filed in the case; or 3) Where one or more contested issues have not been resolved, a trial is scheduled and the parties are handed a Notice of Trial Setting together with a Notice of Trial Requirements that details what is required to prepare for the trial. During the last six weeks the attorney case managers have experienced a 30% full agreement rate and a 30% partial agreement rate. For being newly hired and still in training, we feel the attorneys are making a significant contribution to our case processing initiatives.

Initiative 3: The trial divisions would presumptively schedule a trial or other terminating event in every pre-decree case at the Resolution Management Conference.

In all attorney cases where the RMC is held before a judge, a firm trial date would presumptively be scheduled at the conclusion of the Conference. The division’s calendar, complexity of the case, and needs of the parties would dictate the length and time of trial, but the goal would be to set each case for trial

at the earliest possible date. In a very few complex cases or in any case that might not be appropriate to schedule a trial, the division would at least schedule a continued RMC to allow scheduling a trial as soon as possible. In this regard, most of the divisions are currently setting trials in almost every case at the first hearing held with the parties. This would simply articulate a department policy that all litigants and new judges to the department could accommodate.

We all know trial settings encourage settlement and keep cases from being lost or delayed. The Motion to Set rule is an antiquated rule in family court and has become meaningless in all but a very few cases. The firm trial date, of course, could be set in accordance with the needs of the particular case with adequate time for preparation. In those few cases where a trial might not be appropriate (e.g. the parties that “probably” have reconciled but want to go to marriage counseling for 3 months to make sure before dismissing the case) would always be set for a final terminating event (e.g. scheduled for dismissal on a date certain, unless request is made for further hearing prior to that date.)

Initiative 4: Immediately implement a stiff trial continuance policy.

The Greacen Report confirms what is obvious—trial continuances delay cases, create more intervening process, and multiply the court time dedicated to that case. Any effective case management system must set firm trial dates and limit trial continuances. Such policies have achieved dramatic results in both the civil and criminal departments to reduce delay. Trial continuances should be limited whenever possible, and with consistent action by the department, the culture in the community can be changed.

Initiative 5: Immediately and uniformly affirm all scheduled trials and hearings when a case is transferred to another division by reason of recusal or a notice of change of judge.

This change has already been accomplished by a change in department policy effective August 10, 2004. The previous procedure to transfer a case to a new judge upon receipt of a Notice of Change of Judge pursuant to Rule 42(f)(1), or recusal by the trial judge was done manually and required from 3 to 30 days to accomplish. Often these changes occurred with a trial or hearing scheduled, and the delay in reassignment, combined with a full calendar already set in the new division, usually required a continuance of the trial or hearing. Under the current procedure, the reassignment request is transmitted electronically to the department presiding judge who reassigns the case the same date, and affirms any scheduled trial or hearing. In the event the new division already has matters scheduled in conflict with the trial or hearing, the Presiding Judge at the Northwest Regional Center has agreed in the short-term to hear double-booked trials arising from these conflicts. This may not be a long-term solution, but will

get us started. Long-term maybe a floating commissioner could handle these matters as a judge pro tem in addition to other duties.

Initiative 6: Immediately eliminate extensions on the Inactive Calendar in favor of setting a Resolution Management Conference, dismissing the case, or assisting the entry of a default or consent decree.

Any motion to continue a case on the inactive calendar is made after a case has been pending for 6 to 8 months or more. Generally no court action has occurred in the case or there would be no need to continue the case on the inactive calendar. Because parties can now enter defaults the next day, extending a case to allow a default to be entered is unnecessary. There, of course, may be rare circumstances where an extension may be appropriate to conclude a case, but if it is simply languishing, the case should be dismissed or set for further action at an RMC.

Initiative 7: Establish management teams for coming regionalization and maintain uniformity where possible.

When the Northeast Regional Center opens next year, six family court judges are slated to be assigned to Scottsdale. The problem of maintaining a basic case management system will be more difficult with the department scattered in 5 physical locations. We need to fully explore Greacen's recommendations to implement a true team approach to management, and a governance structure. We will need to develop a comprehensive plan to adopt an appropriate management structure prior to opening the Northeast Regional Center.

Reporting and Statistics

The Greacen Report identified a number of areas where case processing in family court is delayed unnecessarily. This Report was, of necessity, based upon our own statistics and reports. In reviewing those reports and statistics, however, it is apparent that our current method of measuring and reporting case aging is inadequate. Currently, most of our case aging statistics and reports are negatively skewed by a significant number of matters that should be treated as post-decree matters being reopened or that are erroneously added back into our pre-decree statistics. This is particularly evident with paternity cases, Orders of Protection, and legal separation cases later reopened to pursue a dissolution of marriage.

Any accurate and equitable method of assessing case aging should evaluate each case from the time a litigant first files a petition for relief until all of

the issues raised in the request have been adjudicated by the entry of a court order, decree or judgment. Therefore, as soon as the computer resources are available, we intend to correct this deficiency to track all pre-decree cases from the time the first petition or complaint is filed until a final order, decree or judgment is entered that adjudicates fully all requests for relief in the first petition or complaint. If a subsequent petition or motion is filed to reopen the case more than 30 days after the entry of the order, decree or judgment such that personal service is again required pursuant to Rule 5(c)(2), Arizona Rules of Civil Procedure, the case will be tracked and reported as a post-decree or post-judgment matter. This general principle will guide our future case classifications. There are several areas where this problem is evident as described in the following initiatives:

Initiative 8: Immediately track and terminate all Order of Protection files separately, and where consolidation occurs, consolidate into the substantive dissolution or paternity case filed by the same parties.

We currently carry in our pre-decree case statistics, a significant number of Order of Protection cases designated as “FC” (Family Court Case With Children) and “FN” (Family Court Case Without Children) cases for which no action is required. The vast majority of these cases involve solely a Petition for Order of Protection that is either granted or denied the same day it is filed. A few additional Petitions are filed, and the Petitioner, for whatever reason, decides to abandon the request and never presents it to a judicial officer—resulting in an open petition. Often, when a request for hearing is filed sometime within the 1-year life of the Petition, the case is again treated as a pre-decree case, although the court can take no action until the request for hearing is received. When a request is received, hearings are routinely set within the 5-day or 10-day time periods required by A.R.S. §13-3602(I). Measuring the time one of these files is “open” from filing to entry of a second order after hearing is artificial when the court can take no action until a request for hearing is received.

Another, more significant, anomaly results when one of the parties to an Order of Protection files a subsequent petition for dissolution or paternity complaint—often months or years later. If the subsequent case is filed in the original Order of Protection file, the new dissolution or paternity case appears that it is months or years old when in reality it was just filed. If it is filed as a new case number, but then subsequently consolidated into the lower case number as encouraged by Maricopa County Local Rule 2.1(c), it also erroneously appears that it has been pending for months or years.

To more accurately separate those cases that are pending and require action from those that have been completed and await further filings, we will separately track all files involving Orders of Protection only. They will become “post-decree” cases when an Order is entered either granting or denying the

petition. The cases that are filed and abandoned will be dismissed after no action has occurred for 30 days after filing.

In those cases where a judicial officer deems it appropriate to consolidate an Order of Protection case with a substantive dissolution or paternity matter, our policy will be to presumptively consolidate the Order of Protection into the substantive case, regardless of which case was filed first. Not only is the judge assigned to the substantive case more likely to have gained more knowledge of the parties and the controversy than is the judge assigned the Order of Protection case (particularly where most of these Orders of Protection are heard by a Commissioner), but consolidation into the substantive case reduces the chance that the parties will have to start over with a new judge assigned to the lower case number. This policy also prevents a judge being unfairly charged with a 2-year old case on his or her inventory because an Order of Protection was filed a couple of years ago, when the dissolution was just filed yesterday.

December Status Report on Initiative 8

In November, 1164 cases were moved off the open, active roster during a data clean up of old Order of Protection cases. These cases represent Orders of Protection that had been granted, denied or never presented to the Court after being filed. The court in these cases required no action; and they were, therefore, not properly treated as open cases. This procedure will continue with respect to all Order of Protection cases in the future.

Initiative 9: Immediately track and consider all paternity cases where all pled issues have been adjudicated by entry of an order and nothing new is filed within 30 days as post-decree cases.

We have struggled for years with how to characterize paternity cases in various stages of completion. We often see Acknowledgements of Paternity filed that result in Orders of Paternity being entered, and the files then laying dormant for many months or years thereafter. Maybe the parties just wanted to make dad the dad, they live together, or got married. Years later, one of the parties may then file for dissolution, for custody or parenting time, or to establish child support in the same case number. Once again, it appears that we have allowed a case to languish for years in some instances when it is, in reality, a brand new case. If we are accurately going to age our cases, it is important to measure a case from the time the issues for adjudication were first brought to the court until they are terminated.

Under this initiative, when all of the issues pled in a petition or filing (Acknowledgment & Request for Paternity, Petition to Establish First Court Order,

Petition To Establish Child Support, Paternity Complaint) have been adjudicated by a court order, the case will become a post-judgment case.

December Status Report on Initiative 9

Effective November 1, 2004, Family Court Administration changed its business practices so that once the Court satisfied all initial issues pled in a petition or filing, the case was no longer carried on our open, active roster list. As this process is formalized, it will eliminate old paternity cases being carried on the active docket of the court when no issues are pending before the court.

Initiative 10: Immediately track and consider all petitions to convert decrees of legal separation filed more than 30 days after entry of the decree as post-decree cases.

Initial Petitions for Legal Separation are, of course, properly tracked and reported as pre-decree matters when they are originally filed. Once a Decree of Legal Separation of Marriage is entered, however, the case is concluded and no further judicial action is required or contemplated unless and until one of the parties files to convert the legal separation into a dissolution of marriage. Again, months or years may pass before this occurs—if it ever occurs. These cases should be tracked and reported as post-decree matters after the Decree of Legal Separation is entered.

December Status Report on Initiative 10

Effective November 1, 2004, Family Court Administration changed its business practices so that once the Court entered a decree of legal separation, the case was no longer carried on our open, active roster list. As this process is formalized, it will eliminate completed legal separation cases being reopened as “pre-decree” cases when the case is subsequently converted to a dissolution. Such matters will be treated as “post-decree” cases and tracked from the date of filing of the Petition to convert.

Initiative 11: Immediately target our oldest cases for prompt termination as soon as possible.

As a starting point we need to assess our current inventory of cases and progressively target—from oldest to newest—all older cases for prompt termination. All cases that have been pending for more than 6 months with no trial or hearing scheduled should be scheduled for a Resolution Management Conference or terminated as soon as possible. Judge McNally at Northwest has

agreed to act as a Special Assignment Judge to try conflicting trials and older cases to assist transition to a uniform case management system. The department will also utilize administration staff, as available, to assist in reviewing Cal-Acti Reports and identifying cases that may be subject to termination.

December Status Report on Initiative 11

The divisions and Court Administration have been working diligently since June 2004 to target the oldest cases, utilize the RMC process and review the case-aging reports. This has resulted in a 113% increase in our case terminations from this time last year. As of September 1, 2004, there were 492 cases over 2 years old. As of December 1, 2004, there were 239. Currently 7% of Family Court's case inventory is over one year old. With systematic, aggressive case management, we expect to see improvements in these numbers.

Initiative 12: Periodically identify and consolidate multiple filings by the same parties with appropriate computer diagnostics.

It is the nature of family court that both parties often file multiple and opposing petitions at various stages in the proceeding. Both parties may file competing Petitions for Dissolution of Marriage within days of each other. A misinformed party may file a "post-decree" petition to modify or enforce a prior order in a separate cause number at the same time that the pre-decree case is pending. Other examples abound where self-represented litigants, failing to understand legal and procedural requirements, file multiple petitions that may be pending before various judicial officers. Where attorneys are involved in these cases, they are generally consolidated appropriately and without much difficulty, but self-represented litigants may fail to even notify the multiple judicial officers of other pending cases. Delay, confusion and possibly inconsistent results can occur if these cases are not soon discovered.

This initiative proposes that we perform periodic computer runs of our case inventory to identify those cases where the same parties appear to have multiple cases pending, or prior closed cases that are relevant to the other pending post-decree cases. These cases can then be appropriately and more expeditiously consolidated to reduce the delay and confusion inherent in multiple cases addressing the same issues.

Initiative 13: Establish case management statistical standards and improve the accuracy and reporting of statistical information.

Over the last several years our court has been converting to a modern docketing and information system known as iCIS (Integrated Court Information

System). This system is capable of tracking an enormous amount of information and reporting it in a wide array of useful ways. We are not currently fully utilizing this new management tool, and we simply need a comprehensive review of how we enter and retrieve information in this system for management purposes. This starts with a complete review of our iCIS codes. There are literally hundreds of codes that cause confusion and non-uniform entry among the divisions. The same event or outcome can be recorded a number of different ways. The impact on meaningful statistics in some areas is obvious. We need to develop default codes that cover all possibilities with simplicity and uniformity. For example, we have discovered that we are carrying a number of older cases in our inventory that have been completed, but not properly terminated in iCIS. These types of errors further hinder an accurate assessment of our case aging.

To properly evaluate how long our cases remain in the system, we need to accurately capture case aging statistics similar to what we have now. We also need to evaluate average time to termination of our cases and the percentage of cases terminated within incremental time periods to monitor and track how we are improving. We must generate accurate pre-decree and post-decree statistics. We also need to look at each segment of our system and track how it is doing over time and to evaluate it against the last fiscal year ending June 30, 2004. These segments should at least include statistics by department, by division, default cases, consent decree cases, dismissed cases, pro se cases, one attorney cases, two attorney cases, IV-D cases, dissolutions with children, dissolutions without children, paternity cases, and IFC cases.

December Status Report on Initiative 13

Judge Colleen McNally, Presiding Northwest Judge, has agreed to chair a Committee to review iCIS codes. The Committee will be comprised of judicial officers, judicial assistants, court administration and Clerk of Court personnel active in Family Court. The Committee will convene its work in January 2005. In addition, on December 1, 2004 Family Court Administration submitted a request and proposal to the Court's IT Group to track post-decree petitions and to change our system of monitoring petitions overall.

Initiative 14: As soon as computer resources allow, develop "Exception Reports" to replace the current "Cal-Acti" reporting system to identify delayed cases.

The current system of tracking and reporting cases in the family court is primarily focused on a "Cal-Acti" Report provided to each division on a monthly basis that simply lists all 800 or so cases assigned to a division divided into numerous categories. Given the volume of information provided to the divisions, and the time required to effectively manage a family court calendar, it is difficult

for a judge or division staff to review every case on a monthly basis. In addition, most cases are proceeding timely and need no further intervention. Valuable time required for the divisions to separate these cases manually from those needing attention is now wasted. We intend to replace this reporting system with one that provides each division with monthly "Exception Reports" that identify a smaller number of cases that are outside, or in danger of becoming outside, of case management standards. We have not yet had sufficient time to gather input from judicial officers as to the exact nature of these reports, but we envision that such reports could provide information such as:

1. All cases filed for 7 months or more that have not been set for trial or dismissed.
2. All cases involving 1 or 2 self-represented litigants with a Response filed that have not been scheduled for a Resolution Management Conference with an Attorney Case Manager.
3. All cases involving 2 self-represented litigants with a Response filed that have had a Resolution Management Conference held, but no trial is currently set to finalize the case.
4. All petitions that have not been served 4 months after filing that are not scheduled for dismissal.
5. All cases with trial conducted and no Decree or Judgment entered within 30 days after trial.
6. All cases settled that do not have a Decree or Judgment entered within 30 days after settlement announced.
7. All cases over 12 months old not otherwise identified for action.
8. Trial continuances granted.
9. Motions to continue on the inactive calendar granted.
10. Cases terminated without a Decree or Judgment having been entered resolving all issues.

Initiative 15: Evaluate Greacen's recommendation to oversee trials.

While the department has little difficulty embracing most of the Greacen Report's recommendations for change, the recommendation to oversee trials has not met with initial acceptance. Many of our judges have experience with civil and criminal calendars where overseeing of trials is not only desirable, but is essential to effective calendar management. The dynamics of a family court calendar, however, do not necessarily dictate a similar assumption for family court cases. The typical civil or criminal trial is scheduled for 3 to 5 days with a jury. Most cases settle or plead before trial, and many divisions would be dark if only one trial were set per day.

Family court hearings and trials, on the other hand, are usually scheduled anywhere from 15 minutes to ½ day, with multiple hearings and trials set on any one day. The judge is the trier of fact and required to make detailed findings and

rulings in each case, in addition to a mountain of motions and requests that require rulings. Some cases do settle, but a much greater percentage than either civil or criminal cases do not. If a case does settle, it is a rare circumstance when the judge does not have pressing rulings or other matters to utilize the time. Self-represented litigants, in particular, do not usually know how to prepare the necessary settlement paperwork to vacate a trial, and the judge is required to meet with them even if their case settles to finalize the matter.

The implementation of a uniform case management system will also make significant demands on the family court divisions as they redouble their efforts to terminate older cases now in the system and simultaneously begin early judicial management of newer cases. Initially, we intend to encourage the family court divisions to experiment with oversetting trials on a voluntary basis only. We will, however, continue to evaluate this recommendation, and consider it further as we complete other initiatives.

Uncontested Cases

Initiative 16: Immediately implement a “default on demand” procedure to allow parties to finalize uncontested cases at a default hearing scheduled at their convenience as soon as the next day.

For the four-month period from April 1 through July 31, 2004, the family court terminated 3,291 cases by default, or 30.1% of the cases terminated during that period. On August 1, 2004, the court commenced a “default on demand” program to finalize all uncontested cases filed at the downtown complex of the superior court. This has eliminated a 4 to 6 week wait that previously existed to finalize these cases. Under this procedure, Petitioners simply call the court and request a hearing date of their own selection as soon as the next day. A brief telephonic interview is conducted to verify necessary documents have been filed and critical time periods have expired. Upon arrival at the court, court staff review each party’s documents, verify or assist in calculating child support, and provide form documents that may be needed to conclude the case. The response from the public and the bar has been extremely positive, and the morale of court staff in the program has increased considerably. Many self-represented litigants return to thank the court staff for their assistance in concluding their case.

For the first full month that this program has been in operation (August 2004), we had 534 default hearings scheduled, 476 actually appeared, and 453 Decrees were approved, with only 23 rejected. The second month we held 382 default hearings and approved 377, with only 5 rejected. Our initial statistics indicate that 16.8% of people requesting hearings requested a hearing the day following the request, 13.9% wanted a hearing more than 2 weeks away, and the remaining 69.3% scheduled a hearing from 2 days to 2 weeks after the request.

We are now able to set hearings in every default case at the downtown court complex on any judicial day the Petitioner requests. Plans to extend this program to the existing Northwest Regional Court in the near future and to the Northeast Regional Court projected to open Summer 2005 are in process. Space limitations prevent expansion to the Southeast Regional Center immediately, but we propose expanding to that facility as soon as resources and space allow. In addition, a computer enhancement to the program has been initiated that will allow all computer-literate petitioners an online alternative method to conduct the interview and schedule their hearing.

December Status Report on Initiative 16

Since August 2, 2004 we have had 1493 defaults scheduled and 1436 defaults signed at our downtown Courthouse. We are making progress toward adjudicating more cases within six months with this new program. In September we terminated 53% of our cases at six months, in November we terminated 61% at six months. Northwest will implement the program February 1, 2005 and the Southeast will start up in May 2005. The Court's IT Department has received the request for online scheduling and will schedule the work for early 2005.

Initiative 17: Determine whether the default process is sufficiently understood and simplified for all litigants.

While we believe that allowing any Petitioner to schedule a default hearing at his or her convenience as soon as the next day is extremely efficient and provides exceptional service to the public, we will analyze whether the process prior to scheduling and conducting the default hearing is easily understood and navigated. We plan to look at several areas to assess this question. First, we will perform some computer analysis to compare attorney-represented cases and self-represented cases to determine: 1) The average time from filing to service of a petition; 2) The average time from service to filing of an affidavit of default; and 3) The average time from filing an affidavit of default to the request for or holding of a default hearing. If there is a significant disparity between cases represented by attorneys and self-represented litigants, it may indicate that self-represented litigants do not understand the service or default process adequately and/or do not get prompt access to process servers. Any problems identified will be addressed.

Initiative 18: Implement a process to enter Consent Decrees at the convenience of the public with a process similar to "Default on Demand".

For the four-month period from April 1, 2004 through July 31, 2004, the family court terminated 2,543 cases, or 23.3% of all cases terminated, by

stipulation, principally Consent Decrees or Judgments approved by both parties. Currently, parties submit a Consent Decree to the court for review and the decree is either signed and entered or returned to correct any defects. In the past this process may have taken as long as 2 months to accomplish. Obviously, if the decree is defective, the time delay is increased. At the present time there is no significant backlog in the entry of Consent Decrees at the Central Court Complex, but this is due largely to the renewed emphasis on the Default on Demand program, rather than a permanent enhancement of this process.

We are currently discussing adding Consent Decrees to the Default on Demand process such that Consent Decrees can be entered, or mistakes identified, on a “next-day” basis similar to the Default on Demand process. We hope to add this enhancement within the next 30 days at the Central Court Complex and to the Regional Centers as soon as resources and space will allow.

It is worth noting that Consent Decrees are entered in a number of different ways. We are continuing to enhance our ability to memorialize agreements when they are reached at the court. The uniform case management system currently being implemented is designed to encourage full settlement early in the case such that Consent Decrees will also be entered, and sometimes drafted, by the judicial officers, or referred from the Attorney Case Managers to the appropriate judicial officer for entry. The proposed statewide rules also contain a simpler form of Consent Decree that should assist to streamline the process further.

December Status Report on Initiative 18

Since filing this Preliminary Report to the Supreme Court, we have been current within one week of signing consent decrees presented to the Court. We expect to formalize a process similar to “Default on Demand” to better serve litigants at the downtown complex in January 2005, and at the regional centers in the latter part of the 1st Quarter of 2005.

Dismissed Cases

Initiative 19: Establish a procedure to identify, separate and assist cases that are now dismissed due to ignorance or frustration (“failed cases”) from those cases that are now dismissed due to reconciliation or other appropriate reason.

According to Greacen’s Report, approximately 26% of cases terminated in family court cases are dismissed without being finalized. I believe Greacen’s number of 26% was based only upon statistics for one selected month. Our statistics for the four-month time period from April 1, 2004 through July 31, 2004,

show that the following numbers and categories of cases were dismissed without ever being finalized:

Reason For Dismissal	Number	Percentage
Administratively Dismissed For Lack of Prosecution	637	5.8 %
Dismissed For Lack of Service	558	5.1%
Case Management Terminations	459	4.2%
Dismissed By Judges For Lack of Prosecution	375	3.4%
Totals	2,029	18.5%
Annualized Total (x 3)	6,087	18.5%

Whether the correct number is 26% or 18.5%, the dismissed cases represent a significant number of cases. Many of these cases are dismissed because the parties reconcile or abandon the case. Presumably others are terminated when the dismissed parties still want to proceed but are frustrated by a complex and confusing system, or by lack of information to move their case forward. The cases involving reconciled parties are, of course, properly dismissed and we should get them out of the system without delay. This furthers the goal articulated by Chief Justice Jones to preserve family relationships as a clear priority. Those that wish to proceed can be better assisted with information and legal referrals within ethical limits. Unfortunately, we currently have no way of distinguishing one group from the other. We need to attempt to do so.

There is some inherent danger, however, in the family court intervening in any stagnant case that will be eventually dismissed. Clearly, in many instances the case represents a family in conflict or uncertain as to how to proceed. A family court, by its very nature and statutory authority, is designed to resolve conflict and adjudicate legal rights of the parties upon their request. Unfortunately, that court intervention, and inevitable conflict resolution, leads to resolution of conflict in dissolution cases at least by dissolution of the marriage. The last thing that any of us want to do is push an indecisive party over the edge to dissolve their marriage when such would not have been the case if the parties had been allowed sufficient time to seek another avenue (e.g. counseling, forgiveness, or simply maturity).

The problem of intervening in cases that will be dismissed is further compounded when the case has not even progressed to the point of service upon the Respondent. Because no service has occurred in these cases, the Respondent may know nothing of the pending action, and the Respondent legally can't appear in the case. An attempted contact by the court that may reach the Respondent raises a number of significant issues, including:

- 1) A Petitioner filing a Petition may well be the victim of domestic violence who has found the courage to file a petition, but not to

serve it upon the abuser. If the court, even inadvertently, notifies the Respondent of any pending court action by the victim, it may place the Petitioner at significant risk of physical or emotional harm. We have similar concerns currently when a document preparation or legal service provider mails solicitations to the Respondent before service has been accomplished.

- 2) The Petitioner may have “false started” as a result of a family fight or other event, filed the petition in anger, had a change of heart, and intentionally does not want to proceed. Others are waiting to see how the filing changes their spouse’s actions. Court intervention could precipitate further stress on the relationship, cause more conflict or anger, and facilitate an unintended result.
- 3) The Code of Judicial Conduct prohibits a judge from initiating or considering ex parte communications. Ex parte communications are allowed for scheduling and administrative purposes, but only if the judge reasonably believes that no party will be given a procedural or tactical advantage and the other side is promptly notified and given a chance to respond. Where no service has occurred, there is no effective and consistent way to notify a non-appearing Respondent of any contact with the other side, and any contact by definition would probably have the effect of advantaging a Petitioner procedurally—if not tactically.

If a petition has been served, but no Response or default has been filed, the above concerns are still present. The court would then have a better address for the Respondent at which service was affected, but intervention may inadvertently transform the case into a contested case by forcing an appearance by the Respondent. Can the Respondent appear at a hearing and participate without paying a filing fee? Without filing a formal Response as required by the rules? If so, why would any Respondent bother to pay a filing fee and file a Response? If not, what kind of hearing do we conduct? If we have the contact made by administrative staff, is it really appropriate to call or write one party or both and suggest procedural ways to press their position and finalize their case? Can this information be given in the specific context of a petition filed, a Respondent served, and no default entered without knowing something of the facts and dynamics of the case? Perhaps the parties have an informal “agreement” not to proceed with the divorce. The court’s contact may make the Petitioner feel that he or she must continue with the case, further creating division and conflict in the marriage, and with the Respondent feeling betrayed and that the court sided with the opposing party—with some justification. Overlaying this whole area of providing information to self-represented litigants is

the daily phenomenon we now experience of the court telling a self-represented litigant one thing and the litigant hearing another.

If a petition has been served and a response filed, it is much easier to contact both litigants without ex parte concerns. The concerns expressed above of pushing these litigants toward a dissolution of their marriage, however, are still present. Given these unique problems of contacting parties whose case will eventually be dismissed, the family court believes its choices are somewhat limited in these cases. Therefore, the court intends to pursue the following plan of action to assist in identifying how best to assist each of these cases:

1. The family court will conduct a telephone survey of appearing parties in dismissed cases to attempt to identify the reasons for the dismissal in each case. Once the case has been dismissed, neither party can gain a procedural or tactical advantage, and there is no pending proceeding. It would be helpful if the Supreme Court is in agreement that such contacts do not involve an ex parte contact in an “impending proceeding” as defined by Canon 3(B)(7) of the Code of Judicial Conduct. The concern here, of course, is that these cases are dismissed without prejudice and may be refiled—does that mean they are “impending” within the meaning of the Canon. Patterns and frequencies may help identify a solution on how to proceed.

2. The family court is in the process of introducing a prompted, interactive, online forms and information system known as “eCourt” as more fully addressed in Initiative 24. This system will supplement, and eventually largely replace, the paper forms system at the Self Service Center. This system will provide concise information on how to proceed for both parties and allow them to prepare streamlined, customized forms. For a case that has characteristics that will lead to its dismissal (no service, no Response, no default, no hearing requested), simple instructions on how to serve, how and when to file a request for default, and how to get a default hearing through the Default on Demand program should be sufficient if the parties truly wish to proceed. If a Response is filed, we will automatically set a Resolution Management Conference with both parties.

3. Cases in which one or both of the parties have filed a bankruptcy action preventing the parties from proceeding until the automatic stay is lifted, will be scheduled for dismissal as allowed by Rule 38.1, and the parties given direction to ask the U.S. Bankruptcy Court to lift the stay to allow the case to proceed.

December Status Report on Initiative 19

Our E-Court project was implemented online on December 1, 2004. Currently we have Petition and Decree paperwork and have a schedule with our IT

Department to fold in the remaining Family Court forms during the first part of 2005. This new service was highlighted in the Arizona Republic the day before it was implemented and has been discussed in other media forums. We've received feedback from members of the community who are starting to utilize it and it will be highlighted at this month's Family Advisory Council.

Title IV-D Cases

All cases filed by the State of Arizona under the Title IV-D program have common characteristics and should be handled in a differentiated manner similar to that currently in existence. Currently, the vast majority of Title IV-D cases are assigned to individual judges, but are actually heard by IV-D Commissioners in a specialized court proceeding. Accordingly, these cases should be assigned, tracked and reported by the appropriate Commissioner to evaluate how efficiently they move through the system.

The Greacen Report has identified a number of issues that need to be addressed and we will do so. This process will require meeting with the Attorney General, the IV-D Commissioners, public stakeholders through the Family Court Advisory Council, and court staff to develop a strategy to insure these cases are handled expeditiously and efficiently. We hope to identify more specific initiatives in future reports as a result of this process.

Post-Decree / Post-Judgment Cases

Initiative 20: Create a post-decree court to hear all child support modifications as soon as possible.

We currently have a number of different ways in which child support is modified post-decree. While Expedited Services handles the bulk of these requests and screens them from ever reaching the divisions, the process in place is not the most efficient. All post-decree modification requests should be assigned to a post-decree modification court and scheduled for an initial conference with an Expedited Services Conference Officer followed by an immediate hearing, if necessary, with a Commissioner. If agreement is reached, a Stipulation and Order could be prepared and the matter concluded by the on-site Commissioner reviewing and signing the Order. If any number in the child support worksheet is disputed, the conference officer, without the need to prepare a lengthy report, could simply highlight the number(s) on the worksheet and send the parties into the commissioner for hearing on the disputed issues. The current process of longer modification conferences, lengthy written reports and recommendations being submitted to review by a judicial officer, an objection process, and further evidentiary hearing would be eliminated. This is, of course, dependent upon the availability of resources to fund a Commissioner position.

December Status Report on Initiative 20

The Northwest Regional Center will implement a post decree court in January 2005. We continue to brainstorm funding alternatives to start this up downtown and are hoping to be successful before the second half of 2005.

Initiative 21: As soon as possible implement accurate post-decree statistics and reporting through the iCIS system.

The family court has struggled to prepare accurate and meaningful post-decree statistics. A computer enhancement is currently awaiting action that will generate accurate statistics for each division on all post-decree cases. The enhancement will be designed to highlight all current and unresolved post-decree petitions and allow for better tracking and reporting. Accurate reports of cases and Exception Reports for matters that need attention can then be developed.

December Status Report on Initiative 21

The request for post decree statistics and reporting has been submitted to the iCIS team as of the first of this month. We expect this to be fully operational in the first quarter of 2005.

Initiative 22: As soon as the iCIS system allows, reallocate and assign all post-decree cases equitably among divisions.

The family court has grown over the years and additional divisions have been added to hear family court cases. The presumptive system for post-decrees is that a pre-decree case assigned to a particular division will remain with that division when post-decree matters are filed. While some newly created divisions have been assigned post-decree matters, the distribution of post-decree cases may not be, and probably is not, equitable in all cases. Until the iCIS enhancement is complete, it is difficult to determine this issue with any degree of accuracy. At that time, the goal will be to keep all newly filed post-decree matters with the same division if the particular judge assigned to the division has heard anything in the case previously. If not, all new post-decree petitions should be randomly assigned to promote parity among the divisions. Each division should have a similar workload wherever possible, although some assignments of cases to regional centers may prevent total parity.

Initiative 23: Request extension of Civil Rule 53(k), and Maricopa Local Rules 6.9(c) and 6.14, at least until the proposed statewide family court rules are adopted to allow an orderly transition of services.

The Supreme Court has indicated that its approval of Rule 53(k) of the Rules of Civil Procedure and Maricopa County Superior Court Local Rules 6.9(c) and 6.14 will expire this month. As you know, Expedited Services is now supervised by the court effective July 1, 2004, such that authorization for court clerks to be appointed as conference officers in a quasi-judicial role is no longer needed. We are in the process of evaluating and, where necessary, restructuring Expedited Services to provide more efficient service to the public. The current structure has existed since it was established with the clerk of the court in 1988, and its functions provide a valuable service to the public. Significant changes are under way within the family court department that will transform the services provided by Expedited Services, including the post-decree modification court described in Initiative 20. We do believe, however, that Expedited Services conference officers should continue to provide valuable services to the court under appropriate court supervision in the areas of child support calculation, arrearage calculations, parenting time enforcement, and, perhaps in the future parenting time establishment in Title IV-D cases.

To allow us to complete our evaluation of services provided by Expedited Services, and provide continuity of services until necessary changes can be made, we recommend that the Supreme Court modify the above enabling rules to delete authorization for clerk personnel to act in these roles, but allow such authorization for these conference officers to continue to act under the supervision of the court at least until the proposed statewide family court rules are adopted. A proposed form of amended Maricopa County Local Rule 6.14, and the proposed ruled replacement for Civil Rule 53(k), currently being considered by the Domestic Relations Rules Committee, are both attached hereto for your consideration as Attachment 5.

Initiative 24: Continue to urge the creation of a web-based, real time arrearage calculator for child support payments by DCSE.

For a number of years now the state Department of Child Support Enforcement (DCSE) has maintained computerized records of child support payments ordered by superior courts throughout the State of Arizona. Subsequent child support enforcement actions filed with the courts are invariably and unnecessarily delayed until the parties or Expedited Services can manually do the research and mathematical calculations necessary to determine any arrearage. DCSE has developed a rudimentary computer program to calculate child support payments and arrearages, but currently limits the use of those calculations to Title IV-D cases only. Discussions are under way and initial agreement reached with DCSE to make this arrearage calculator program available to non-Title IV-D cases in the near future. These calculations, however, only provide computations that are current through the end of the last calendar month. A payment history for the intervening days is also provided.

Even with this improvement, current technology is available to develop a real time, web-based arrearage calculator that would save enormous time, cost and confusion for the parties, the courts and DCSE itself. DCSE has recently acquired computer web capability, and this technology should be made available to the parties, and the courts to obtain an up-to-the-minute calculation of child support and spousal maintenance payments. The courts are currently working with DCSE in a cooperative manner to seek the development of a real time arrearage calculator to provide current information similar to what any modern financial institution provides its customers. The family court is enthusiastic about these developments, and will cooperate in every possible way to make this improvement a reality.

Integrated Family Court Cases

Initiative 25: Assess the need to enhance, modify or discontinue the Integrated Family Court and statistically separate these cases for assessment.

The family court is currently participating in an Integrated Family Court project to identify those cases that have multiple proceedings pending in the family court and the juvenile and/or probate court. The latest Greacen study of the IFC was unable to determine with any degree of accuracy whether this program was beneficial to families and the court due to the insufficient number of cases assigned to the program. The recommendation has been made to expand the program, but we will need to determine whether this program should be continued, modified, or discontinued entirely within the next year or so.

The Greacen Report properly identified the goal of the Integrated Family Court of having one judge and one family to be in tension with the speedy disposition of cases. IFC matters, with multiple cases and issues pending, simply take significantly longer to process, particularly with the extensive and ongoing services provided by juvenile court. The family court in this regard is caught in a dilemma. If the court is mandated to participate in the IFC program, but also required to provide more prompt disposition of cases, the court may only be able to achieve one of these goals with these cases. For this reason, and to give the IFC every chance to succeed and be assessed on its merits, we recommend that statistics for IFC cases should be separately reported and assessed.

December Status Report on Initiative 25

We continue to streamline and improve the IFC operations. As of December 1st we've identified one judicial officer in each of our locations and we currently have 88 active IFC cases in those divisions.

Legal Information Versus Legal Advice

Initiative 26: As soon as possible implement an online electronic, interactive and prompted forms system to initially supplement, and over the next year, significantly replace family court forms at the Self Service Center.

During the last year, the Self Service Center Committee has been developing an interactive, prompted forms system that has become known as "eCourt". The design team is projecting that the first modules of this system will be placed on computers in the Self Service Center on October 12, 2004. After a break-in period to identify needed corrections, the team projects the system will go online approximately one month later. The initial module will allow preparation of dissolution and separation petitions and decrees, as well as petitions for conciliation on the court website. It will take some additional months to convert the remaining forms to this format.

This prompt system will allow for the preparation of customized and concise forms, and will supplement written forms and instructions now used in the Self Service Center. The current written forms are somewhat bulky and confusing by necessity because they must address every situation that is presented. The electronic format will prepare brief petitions unique to the facts and circumstances of each case, and generate simplified instructions on how to proceed. The computer prompted system will also be able to convey much legal information and provide links to outside services at the critical point of inquiry.

Initiative 27: Upon substantial conversion of existing Self Service Center forms to the eCourt system, develop an electronic eDecree module to memorialize binding agreements and consent decrees whenever and wherever agreement is reached in the court process.

A significant problem faced by any family court is to memorialize agreements in an emotional and acrimonious setting. Many family court cases pursue unnecessary litigation simply because agreements once reached are not memorialized and evaporate when memories fade or new issues are created. The development of the eCourt electronic forms system will create an electronic library of documents and paragraphs to memorialize agreements commonly reached by most self-represented litigants.

The next logical step is to enhance this forms system to include an electronic module designed to memorialize full and partial agreements reached by the parties anywhere within the system. Judicial officers, attorney case managers, conference officers, and the parties themselves will have access to these electronic documents to enable a final consent decree to be generated or built one issue at a time as each of the 5 principal issues (custody, child support,

spousal maintenance, property division and debt allocation) are resolved. This will prevent multiple litigations and hearings on resolved issues and narrow the focus of hearings and trials to those unresolved issues.

Initiative 28: Develop a legal information manual to supply simple, consistent, and correct answers to common questions for use by all court personnel and the eCourt system.

We understand that the Supreme Court is currently addressing the issue of where the ethical line lies between the court providing prohibited legal advice and permissible legal information to self-represented litigants. Within the parameters of the Supreme Court's direction, we propose identifying, with the assistance of the Court Navigator and Self Service Center personnel, the most common areas of confusion and delay caused to self-represented litigants by inadequate or erroneous information. An information manual should then be developed in response to these areas and made available to all family court personnel that interface with the public to assist them in supplying simple, consistent and correct information within ethical limits to any member of the public.

Initiative 29: As soon as possible review and update the court's change of address system to promptly and correctly notify all parties of all hearing dates and court actions taken.

The nature of family court cases is that one or both parties, as their marriage or relationship disintegrates, often change their mailing address. The court does have a formalized method to change addresses that, when properly followed, generally allows the party to continue receiving notices and rulings from the court. The clerk also does an admirable job of including instructions on many minute entries as to how to effect a change of address. Despite these procedures, too many self-represented litigants fail to follow the procedure and consequently don't receive some notices or rulings in a timely manner. Many will file a motion or responsive document in the court file with a correct new address presumably believing that the court will identify the address as new and make the necessary corrections for mailing. This belief, while somewhat reasonable, would require in its accomplishment the rather onerous task of the clerk or court comparing the address on literally millions of filed documents with the docketing system to verify each address.

One corrective action that we believe needs to occur is to authorize many more court and clerk employees to correct addresses in the computer system whenever and wherever they are identified. For example, courtroom clerks do not currently have the authority to change addresses directly, even when the litigant is present and states his new address under oath on the record. The

security risk of an address being improperly changed is small in comparison with the numbers that are not receiving proper notices from the court at the present time. We will work with the Clerk of the Court on this issue.

Judicial Rotations

We also recognize that changes should be made with regard to the rotation of judicial officers to the family court assignment. In this regard, we are mindful of Justice Jones' directive in his letter of August 20, 2004 that: "The practice of assigning predominately newly appointed judges to family court for brief assignments simply must be balanced with the experience of more senior judges and judges serving longer rotations in the assignment." Judge Campbell has recently formed a Committee on Rotations in Family Court to look at the various options for rotation and make a recommendation. He has directed that this work be completed in the next six months.

December Status Report on Judicial Rotations

The Presiding Judge has formed a Committee on Judicial Rotations to make recommendations on rotations to the family court. The Committee held a preliminary meeting in November and will likely finalize their recommendations to Judge Campbell the week of December 13, 2004.

Time To Disposition Standards

The Supreme Court has directed that we propose interim time to disposition goals for the Family Court Department for calendar years 2005 and 2006. This is a difficult task but we will do so. Initially, our competitive nature and commitment to excellence compels us without further thought to simply look at standards developed throughout the country and suggest that we can beat all of them by terminating 100% of our cases within a short time period. It is sobering, however, to realize that not one of the courts identified by the Greacen Report, or any other court to our knowledge, actually meets developed standards—most don't even come very close. It is worth a discussion, therefore, to assess whether we simply wish to set goals that are facially competitive with any in the country as compared with realistic goals that might be attainable.

In this regard we are required to face some limiting realities. A.R.S. §25-329 statutorily prohibits us from holding a trial or hearing to enter a dissolution or legal separation for 60 days after service upon the Respondent has been accomplished. While we can supply more assistance and information on how to accomplish service to a Petitioner, the service function is largely outside of our

control. At the extreme we are simply limited to dismissing the case if this action is not taken after 120 days pursuant to Rule 4(i) of the Civil Rules of Procedure.

More significantly, Rule 38.1 of the Civil Rules of Procedure, and Maricopa County Local Rule 6.8(g), basically require that a case cannot be dismissed for inactivity for at least 8 months after filing. Under these rules, the parties are allowed 6 months to file a Motion to Set and Certificate of Readiness, and failing to do so, the case is to be placed on the inactive calendar and ultimately dismissed after another 2 months has passed with no action. Allowing some reasonable time to accommodate receipt and docketing of documents forwarded to the court near the dismissal deadline, and for court personnel to react, this process can reasonably take 9 months.

While these rules do not prevent the court from taking more aggressive action in contested or some default cases, they do create a severe limiting factor for the estimated 18.5% of cases are ultimately dismissed. A more simple process guided with correct and early information and assistance may reduce this number, perhaps significantly, but any 6-month goal of terminating 90%+ of an entire case inventory is severely compromised if not rendered empirically impossible. Rule 38.1 does allow the 6-month initial time period to be shortened to 120 days by local rule or administrative order, and we are recommending this time limit be shortened to 120 days. Even with this change, however, a realistic time period to dismiss these inactive cases is perhaps 7 months.

After we have worked with our new systems for a while we will have a better idea of what is possible. In proposing interim goals, we also assume that we will be able to shorten the time the Rule 38.1 initial time period to 120 days. For the present, however, we would propose the following goals for termination of all pre-decree and pre-judgment cases, excluding Order of Protection cases and those few cases assigned to the Integrated Family Court:

Time Period Ending	Percentage of Cases Projected To Terminate Within		
	7 Months	12 Months	18 Months
December 2004	50%	Remove All Terminated Cases From Reports	
December 2005	70%	90%	95%
December 2006	80%	95%	100%

December Status Report on Time Standards

Since submitting our Preliminary Plan, we have not engaged in substantial dialogue with the Supreme Court on this subject. We continue to work towards our Plan to improve the time standards of our pre-decree cases and look forward to further dialogue about realistic and reasonable standards for Maricopa County and the other Family Court Departments in Arizona.

The Maricopa County Superior Court has long sought excellence, and embraced innovation and progress. We will continue to do so, and are committed to providing the best possible judicial system to the citizens of Maricopa County. We look forward to working with the entire court family to improve wherever possible. If this plan generates any questions, concerns or suggested improvements, please contact us at any time.