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Committee on Judiciary

Senator Locke Burt., Chairman

REVIEW OF FAMILY COURTS DIVISION AND THE MODEL FAMILY COURT:

COURT SERVICES AND SYSTEM

SUMMARY

The initiative for family court reform across the states has been spurred by the demands on the judicial system of cases involving children and families. Increasingly complicated, these cases frequently involve children and families with previous or pending related legal matters of which the court may be completely unaware or for which statutory provisions impede comprehensive legal resolution. In addition, many of the children and families' legal problems flow from or are exacerbated by underlying non-legal issues which if detected or addressed earlier would have facilitated resolution of the legal matters and might even have obviated judicial intervention or involvement in the first place. Assuming services are even available in the community, many courts lack the network of informational resources or a coordinated management system to facilitate the delivery of those non-court based services to children and families through a process of intake, referral and linkage to such services outside the court system. As a result, many children and families repeatedly and unnecessarily appear before the court with the same or more serious civil, if not criminal, matters.

In addition to the demands placed by the complexity of these cases, these cases extract considerable judicial resources, commanding more court time and personnel. The filings in family, dependency and delinquency cases have increased significantly over the last 10 to 15 years. Equally dramatic has been the increased percentage of families that forgo legal representation, leaving the court to assist self-represented litigants to navigate the judicial process.

Florida initiated its own family court reform over 10 years ago. With the legislatively established Commission on Family Courts, the Legislature directed the Commission to make recommendations with the

intent of implementing a family division in each court. The Commission's subsequent recommendations engendered the primary guiding principle to develop a judicial process that coordinated the court's equitable and comprehensive consideration of all matters affecting a child and family, regardless of which judicial proceeding initiated court involvement or intervention.

Since 1991, the Florida Supreme Court, through the efforts of the Family Court Steering Committee, has worked on and refined the Commission's recommendations. The Court has formulated specific family division measures that focus on the needs of children involved in litigation, that refer families to needed court-based and community services, that coordinate cases to provide consistent results, and that strive to leave families in better condition than when they entered the judicial system. The prevailing court model for advancing this conceptual approach is the unified family court model whose underlying principles and concept the Florida Supreme Court recently endorsed.

To further assist the court's efforts to fulfill the legislative initiative on family court reform, the Legislature recently directed a joint committee interim project on this issue. This report focuses on major issues and proposed actions as pertain to court services and systems, including judicial case management, information-sharing and technology, public records and confidentiality, and the intake and referral process. Specific statutory changes are recommended to facilitate the court's decision-making abilities and to better meet the needs of children and families appearing in proceedings within the existing family, delinquency and dependency court divisions.

BACKGROUND

As with many other states, the complexity of cases involving children and families has placed considerable demands on the judicial system in Florida. These court cases frequently involve at least one other related legal proceeding. For example, a family in a dissolution of marriage filing may have one or more family members involved in another proceeding such as a hearing for a domestic violence injunction or for delinquency. In many cases, the parties are appearing before a different judge in each proceeding. According to a survey conducted by the National Center for State Courts, approximately 40 percent of families appeared before the court more than once for family related matters.¹ In one particular cross-over study of court file cases in Marion County, Florida, the Supreme Court's Office of State Courts Administrator found that 63 percent of the family court case files included parties (or other family members including children) with previous, concurrent or subsequent involvement in other related family court cases.²

Additionally, the legal issues before the family court often have their genesis in other underlying social problems such as unemployment, child neglect, inadequate housing, drug or alcohol abuse, domestic violence and poverty. These underlying non-legal issues frequently complicate the particular legal problem brought before the court and, further, may go undetected and unaddressed, or simply unaddressed because services and resources are unavailable. Although the court's authority and jurisdiction is limited to resolving legal matters, its inability to refer and link children and families to needed services or the lack of availability of such services outside the court system to address the family's non-legal needs significantly undermine its effective long-term comprehensive resolution of the legal issues.

In addition to the complexity of these cases, Florida has experienced a tremendous growth in cases involving children and families in the family and juvenile court arenas. The number of domestic relation court filings in Florida increased by 68.5 percent from 1986 to 2000 while juvenile delinquency and dependency court filings increased by 56.6 percent.³ These cases

accounted for 44.4 percent of all cases heard in circuit courts in 2000.

Further exacerbating the matter is the fact that an increasing number of litigants in family court cases are foregoing legal counsel. In Florida, an examination of family court cases conducted by the Office of State Courts Administrator found that petitioners in dissolution of marriage filings were represented by attorneys in 52 percent of the cases reviewed. Only 19 percent of the respondents were represented in the initial stages of the cases.⁴ Since many of these litigants are minimally or totally unfamiliar with the judicial process, these pro-se cases traditionally place greater demands for time and assistance on the judicial system.

This convergence of factors burdening the judicial system is triggering the need for court reform in many states. One family court reform concept receiving considerable attention is the proposed unified family court model. The unified family court envisions the consolidation of fragmented courts for children and families and comprehensive jurisdiction over all such cases. Either one judge or one team coordinates the different court cases for a family and ensures that each family is viewed as a whole. Beyond the organization or operation of the courts to unify a family's multiple court cases, the unified family court model concept embraces a new way of thinking about the justice system, that of emphasizing the resolution not only of the family's legal problems but also the underlying problems that might have created the need for the family's interaction with the court system. It provides opportunities to establish a mechanism by which children and families' non-legal needs can be identified or addressed by referral and linkage to services outside the court system. It also strives to present opportunities for and to enhance a family's ability to constructively resolve their disputes. Supported in literature and linked with more effective court resolution of family and juvenile cases, this attention to assisting families with not only their legal issues but with their underlying non-legal problems and minimizing the need for continuing court intervention are fundamental objectives of a unified family court model concept.⁵

¹ Andrew Schepard, *Introduction to the Unified Family Courts*, N.Y. L. J., Vol. 217, No. 72, April 16, 1997, p. 70.

² Sondra Williams and Sharon Buchingham, *Dissolution of Marriage in Florida – Preliminary Assessment Findings*, Fam. Ct. Rev., April, 2001, p. 27.

³ Office of State Courts Administrator.

⁴ See *supra*, note 2, page 31.

⁵ *Framework for Court Reform in Family Law: A Blueprint to Construct a Unified Family Court*, S. Cal. L. R., March 1998, Pages 8, 12, 13, and 18; Jessica Pearson, *Court Services: Meeting the Needs of the Twenty-First Century Families*, Fam.L.Q., Fall 1999, pages 74-76; and Jeffery A Kuhn, *A Seven Year Lesson on Unified Family Courts: What We Have Learned Since the 1990 National*

Florida began its move toward family court reform over 10 years ago when the Legislature established the Commission on Family Courts (ch. 90-273, L.O.F.). The Legislature directed the Commission to: 1) develop guidelines for the implementation of a family court division within each circuit, 2) provide statutory, regulatory, and organizational changes, and 3) recommend necessary support services. The Commission's recommendations envisioned the jurisdiction of a family division to include dissolution of marriage, child custody and support (intrastate and interstate), domestic violence, name changes, adoptions, paternity suits, modification proceedings, dependency, and at least consideration of delinquency matters, if only for administrative purposes. The Commission's recommendations were formally adopted by the Florida Supreme Court on September 12, 1991. The Court also required each judicial circuit to develop local rules for the establishment of a family court division or alternatively, some other means to coordinate family law and related matters that affected one family.

In March 1994, the Florida Supreme Court further refined the Commission's recommendations and directed the courts to implement their plans for the creation of family court divisions and to continue the efforts to develop a more holistic response to family-related litigation.⁶ The Court also appointed the Family Court Steering Committee, as the successor to the legislative Commission on Family Courts, to provide support and assistance in the development and full implementation of the family court division. One of the primary responsibilities of the Committee was to develop a consensus recommendation on the characteristics of a unified family court model, including organization, policy, procedures, staffing, resources, and linkages to the community.

In June 2000, the Committee released its recommendations for a unified family court model.⁷ Almost a year later, the Florida Supreme Court issued an order formally endorsing the Committee's guiding principles and characteristics for a model family court model.⁸ The Court supported the embodiment of the

unified family court concept and the opportunity to move Florida's family courts toward a system that is more efficient and focused on child and family outcomes. The scope of the recommendations and direction of the Florida Supreme Court indicate that further legislative action may assist in the successful implementation of the unified family court model in Florida. Pursuant to legislative appropriation, three pilot programs for unified family court model programs have already been implemented since July 2001.

METHODOLOGY

This interim project was conducted jointly with the Committee on Children and Families and emphasized the key stakeholders' identification of legislatively based issues and actions that would facilitate the implementation of the concept and structural framework for a unified family court model in Florida. A questionnaire provided the starting point for the project. Thirty responses were received primarily from judges and related judicial staff, but also from state agencies, community agencies and universities, and identified the broad topic areas and some of the key issues in implementing the recommendations contained in the Florida Supreme Court decision for a unified family court model. Two workgroup meetings were held with all stakeholders interested in the unified family court initiative, followed by additional meetings of stakeholders on specific topics. Staff conducted site visits to Pinellas and Pasco counties' pilot unified family court projects. A review of literature was conducted on various aspects of the unified family court model and other states' practices.

For purposes of dedicating attention to specific issues and actions, each committee took lead responsibility for a set of the major issue areas of the unified family court initiative and this interim project. The Committee on Judiciary is responsible for case management; information-sharing, technology and public records accessibility, admissibility, confidentiality and privacy; intake and referral; and family law. The Committee on Children and Families was the lead committee for alternatives to litigation, services to assist litigants in the court process, and coordination and delivery of services to assist families with their non-legal problems, as well as certain aspects of the family law area. Each committee's interim project report focuses its *Findings* and *Recommendations* sections on that

Family Court Symposium, Fam.L.Q., Fall 1999, page 92.

⁶ In re Report of the Commission on Family Courts, 633 So.2d 14 (Fla.1994) (Family Courts II)

⁷ A Model Family Court for Florida, Supreme Court Family Court Steering Committee, Recommendations, June 2000.

⁸ In Re: Report of the Family Court Steering Committee, 26 Fla. L. Weekly S287 (May 3, 2001).

committee's respective issues and related recommendations.⁹

FINDINGS

Judicial Case Management

The framework and unifying concept underlying for the unified family court model represents a significant departure from the existing model for family, delinquency and dependency divisions within the court system. One of the model's primary goals is to create a fully integrated and comprehensive alternative approach to the current piecemeal resolution of the legal and underlying non-legal issues faced by families and children involved in the court system today. Integral to the development and implementation of an effective judicial process is a judicial case management system that identifies, coordinates, monitors and links all related cases impacting one family and that moves those cases expeditiously within the judicial process to final resolution. This judicial case management system also envisions the provision of court-based services (e.g., supervised visitation and alternative dispute resolution options), and the referral and linkage to judicially recommended or needed social services available outside the court system.

The primary benefits of such a system become immediately apparent when considering that many families and children can be involved with the court system in two or more of the following actions at any one time: custody, visitation, child and spousal support, dissolution of marriage, adoption, paternity, domestic violence, juvenile dependency and delinquency, termination of parental rights and Children in Need of Services and Families in Need of Services (CINS/FINS). In addition to enabling the court to make a decision that constitutes a tailored and comprehensive resolution to assisting the family and children in the immediate and pending matters, it can maximize judicial resources, avoid conflicting orders, and reduce multiple court appearances.¹⁰

Currently, there is no single or uniform system of judicial case management in the state. Initial anecdotal evidence from the existing pilot programs indicate that the components of a judicial case management system will vary between counties based on the demographics,

resources, and nature of cases. Initially, the existing pilot programs are finding that a dependency case or domestic violence case is typically the lead portal case for the family's initial introduction into the judicial system. They are also finding that dependency and domestic violence cases based on their volume and time schedules for resolution primarily drive the case flow of cases through the judicial process. Consequently, these cases will most likely serve as the flagship cases to identify and link related family or delinquency cases.

The objective of the concept underlying the unified family court model is not just to resolve the legal matters that have brought the family and children before the court, but also to identify and address, through referral and linkage to services outside the court system, the complex family dynamics and underlying social, economic and psychological issues that may have contributed to or caused the legal problems. As with any new conceptual approach or program, the roles and responsibilities of staff, support and personnel must undergo change, redefinition or clarification. Given the integrated conceptual approach to resolving children and family issues, initial and continuing multidisciplinary education and training would optimize the coordinated efforts between the court, social service providers and other stakeholders to identify the non-legal needs of children and families and refer them to the services that could or would obviate further court involvement. It was acknowledged that education and training requirements for judges, staff, clerks of court, attorneys, security staff, and others operating within the judicial system, could be accomplished through policy and rule changes without any statutory changes.

Information Sharing and Technology

Identifying, tracking and linking multiple cases related to one family in order to attain "fair, timely, consistent, efficient and effective handling" of these cases requires the judicial system to be aware of these cases.¹¹ Technology is essential to achieving that awareness by providing information on all cases involving the child and other family members. Without such technology, it is very difficult for the court to track related cases, maintain a complete history of a family's involvement in the court system, or secure interagency information helpful or relevant to the resolution of a family's case. Without and until information of the other pending proceedings is made known to each of the judges or

⁹Review of Family Courts Division and the Model Family Court: Other Services and Systems for Children and Families, Senate Committee on Children and Families, Interim Project Report 2002-121, 12/2001.

¹⁰ See *supra*, note 7.

¹¹In re: Report of the Family Court Steering Committee, 26 Fla. L. Weekly S287 (May 3, 2001).

courts overseeing the other proceedings which may involve the same issues, conflicting orders may be entered, multiple court appearances may result and the court process may even be manipulated by the family or the attorneys to the detriment of the child.

The judicial system's difficulty in attaining knowledge relevant to the cases involving a child and his or her family is also complicated by the increased mobility of these families within and between counties. In addition, the divergent dynamics and evolving structures of family household units in which some parents may never have resided together present challenges to identifying all related family members.

It was recognized that a minimum and uniform level of technological support is necessary to ensure parity and uniformity among all counties and circuits for access to information about children and families and for identifying, tracking and linking cases. Although there are already a number of existing information systems throughout the state, many of them are not coordinated or integrated to facilitate information sharing, exchange or retrieval. This inability to communicate between the court, the Departments of Children and Families and of Juvenile Justice and other entities with whom the court interacts, impedes timely and efficient coordination of cases and resolution of a child's and family's needs.

Stakeholders have already begun to conduct their own assessment of their respective technology system, including The Florida Supreme Court Technology Commission and The Florida Association of Clerks and Comptroller. Workgroup participants in the interim project recognized this area as ripe for further study by a task force to determine how and what legislative action is needed to direct and coordinate the efforts of various stakeholders.

Public Records Accessibility and Confidentiality

In recent years, legislative, executive and judicial branch initiatives have actively sought to maximize the benefits of advanced technologies by encouraging and promoting electronic access, electronic filing and other electronic activities as cost-efficient, cost-effective and cost-saving means of governmental operations. However, even as technology has facilitated information-sharing, exchange, storage and retrieval, and improved governmental operations, the unforeseen scope of ease of accessibility to information primarily contained in public records raises concerns.

The advent of the Internet and other advanced information management technologies are removing

the traditional logistical, physical and geographical impediments to accessing information whether in physical, visual or audio form. The evolving technology has lifted the "veil of practical obscurity" that traditionally acted to restrain the widespread access and dissemination of information in public records. That is, until recently few persons or entities other than attorneys, researchers, media, or other commercial users had the sophistication, patience, or financial means to find or extract specific or bulk information from the record system, intrinsically valuable in its raw state or in a reformulated or aggregated form.

The pervasive and invasive power of such technology to access and disseminate information is best exemplified by the recent enactment of ch. 2000-164, L.O.F. Within this legislative enactment dedicated to the promotion of electronic commerce, electronic filing, and electronic signatures, the Legislature requires the county recorder to post an index of recorded documents in the official records on the Internet by January 1, 2002, and to provide electronic retrieval of the images of such documents by January 1, 2006. In anticipation of compliance by the statutory deadline, some clerks of the court, the public records custodian for court records, have already begun to scan and place some public records on the Internet resulting in a significant amount of published information that is personal, sensitive or extraneous.

The posting on the Internet and ease of access to the public records underscored the huge repository of information that is collected and available in those records, particularly in court case files and most particularly in family, dependency, delinquency and probate cases. An average user of the Internet could potentially find in those records personal and sensitive information, including but not limited to, social security numbers, addresses of minor children, dates of birth, psychological evaluations, credit card numbers, financial account numbers, medical reports, academic records, and child custody and visitation schedules. The information available could also include facts or allegations embarrassing or damaging to one's personal or professional reputation or family or could reveal information threatening the personal safety of parties, relatives or witnesses. Although historically always available, never has this information been so readily and easily accessible on such a scale to the general public. The Internet and other advanced technologies such as compression technologies that allow for data mining, bulk data transfers, and compilation of data on space-saver and cheaper mediums such as CD roms have brought to light the particular vulnerability of

such information to be used and manipulated in various and unexpected ways beyond the legitimate or original purposes intended or envisioned.

The Clerk of Court's effort to comply with the statutory mandate to post images of the documents in official records has also revealed the shortcomings in the current mechanisms for maintaining confidential and publicly exempt information under the existing laws and rules, particularly that contained in court records. The volume and the variety of ways in which information is collected or submitted to the court presents logistical challenges based on limited resources and personnel. There are already over 600 statutorily created categories of publicly exempt or confidential information. This situation has raised questions of whether the current process or practices realistically allow clerks of the court to identify, flag and redact every instance of publicly exempt or confidential information, and whether the public records custodian should continue to be responsible for asserting the right of publicly exempt and confidential information.

In light of these situations, there is reasonable concern and acknowledgment that Florida's existing policies, practices and laws governing public records and information may not be adequately protecting the rights, privileges and safety of its citizens. The dilemma underlying this issue is that Florida's constitution provides for both a right of public access to government records and a right of privacy. Article I, section 23, of the Florida Constitution, provides that every natural person "has the right to be let alone and free from governmental intrusion" Section 24 of Article I, provides that "every person has the right to inspect or copy any public record" ¹² It will be difficult to strike an appropriate balance between Florida's long tradition and support of open government and the public interest in and right to privacy, particularly of records in the judicial branch. A year ago, the Florida Supreme Court spearheaded a study to examine public records and privacy within the context of advanced technology and accessibility as pertains to court records. Extensive work by an ad hoc workgroup of the Judicial Management Council recently culminated with a report to recommend the creation of a committee to study further the issue and develop policies for achieving the benefits of electronic access but cognizant of the public's right of privacy and the need to protect the integrity and fairness of the

¹² The right of privacy (although adopted first in 1980) yields to the right to public access under the constitution.

judicial process. ¹³ The final report also contained a recommendation to impose a temporary moratorium on the placement of images of trial court records on websites and unrestricted access through other electronic means. ¹⁴ Additionally, the Florida Association of Clerks and Comptroller has also formed a task force to examine the issues as raised by the clerks' role as custodians of official records and in the implementation of ch. 2000-164, L.O.F.

The legislative interim project workgroup also recommended that the public records and privacy issue warranted further deliberative study. The study, preferably multi-year, could best be performed by a legislatively-created commission that would develop the expertise and formulate specific recommendations as to policies, procedures and laws governing public records. Cognizant of the constitutional rights of access and privacy, and the fair administration of justice, the commission will need to address basic questions of why, what, how, when, and to whom information is or should be collected, stored, accessed, retrieved and disseminated. It was also recommended a moratorium be placed on the placement of records on the Internet to afford the opportunity for the development of appropriate legislative policies.

Intake and Referral Process

Many families initiate court action but lack minimal, if any, knowledge of the forms, procedures, court services or offices of the court. An increasing number of these families are unrepresented by counsel and are unfamiliar with what they should expect from the judicial system or what the judicial system expects of them. According to a national survey, the rate of unrepresented litigants in dissolution of marriage actions rose from 19 percent in 1974 to 25 percent in

¹³ Privacy and Electronic Access to Court Records, Report and Recommendations, Judicial Management Council, Florida Supreme Court, December 2001.

¹⁴ See Report of the Supreme Court Workgroup on Public Records, April 30, 2001. The workgroup was established to review and provide recommendations on the records issue in the judicial branch, including the definitions for court records, access, exemptions, retention, fees and copyrights as relates to those records and also within the context of public records requests. One of its recommendations included requiring public requests to be made in writing and are all under consideration by the court. See Report of the Supreme Court Workgroup on Public Records, SC01-897 (pending decision on oral argument in November, 2001, relating to proposed rules arising from workgroup recommendations).

1989.¹⁵ In Florida, the Office of State Courts Administrator's recent assessment of family court cases found that 48 percent of the petitioners filing for a dissolution of marriage were unrepresented by counsel and these petitioners were found to have significantly lower incomes than the parties who were represented by counsel.¹⁶ Consequently, these cases involving pro se litigants consume considerable court time and present significant challenges to addressing and resolving legal and underlying non-legal issues.

There is a growing recognition that court systems and courthouses require some form of court orientation services, as well as self help services for the pro se litigants. In addition, many of the families needing information on the court processes often require services to support them through the court process or to assist in resolving the conflict that brought them to the courthouse, such as legal assistance, domestic violence advocacy, and alternative dispute resolution options. Some courts have begun to provide information and direction on the court process and on the services available to newcomers entering the courthouse. The courts can and have begun to implement this important court function through user-friendly websites and outreach initiatives limited to court processes and services. However, as efforts continue to improve the efficient use of judicial intervention, there is increased recognition of the importance of early intervention and guidance for establishing necessary linkages with community-based resources including substance abuse counseling, parenting courses and social services. As a result, the need for an intake and referral service is being identified as a mechanism to initially assist and to expeditiously direct families to appropriate entities in the community to meet their non-legal needs.

Statutory and Rule Changes

The conceptual approach of a family law division with comprehensive jurisdiction over all cases involving children and relating to the family, implicates numerous provisions under family law chapters, including but not limited to, chapters 39, 61, 63, 88, 741, 742, 743, 751, 752, 753, 984, and 985, F.S. Even without the formal implementation of a unified family court model program in each of the circuits, specific changes were identified in existing provisions that are needed to facilitate the court's coordination and resolution of related cases under the existing family

law, dependency and delinquency court divisions.

It was noted that many provisions in these chapters have not been but could be updated to reflect the complexity of evolving dynamics and familial relationships of family household units, particularly those that do not resemble the traditional nuclear family. For example, the outdated assumption that parents are or were formerly married and resided together underscore the actions for custody, support and visitation under chapter 61, F.S. It was also suggested that a statutory family code linking these related chapters be created to reflect the comprehensive integrated approach of the unified family court model to resolve all related cases involving a child and his or her family.

It was also recommended that specific statutory provisions needed clarification or revision. For example, there is a need to resolve conflicts in court jurisdiction and hierarchical precedence of orders, particularly in dependency proceedings where orders relating to custody, visitation and support were entered concurrently or subsequently in other civil proceedings.

Currently, the Legislature recognizes that dependency orders or orders issued by the court with jurisdiction over dependency orders should take precedence over other orders. The policy rationale is that the state has had to intervene to protect a child from potential or actual abuse or neglect. Therefore, the parent's right to raise or otherwise determine matters relating to their child is overridden until the court determines what is, otherwise, in the child's best interest. However, the law is unclear as to why or how the dependency order should continue to take precedence in subsequent proceedings (such as paternity or dissolution) in which the issue of custody or visitation resurfaces if the prior court terminated jurisdiction and the state is no longer involved.

Another area recommended for change has been the admission of dependency orders or other admitted evidence in subsequent civil proceedings. Current law already permits, under limited circumstances, termination of parental rights orders to be admissible in a child's subsequent adoption proceedings and subsequent TPR proceedings of a sibling of that child. The rationale offered for broadening the admissibility of such orders and evidence is that findings of fact and other evidence admissible in an evidentiary hearing under chapter 39, ought to have the same presumptive standard of reliability and relevance in a subsequent civil hearing, provided due process protections such as notice and the opportunity to be heard are afforded the

¹⁵Jessica Pearson, *Court Services: Meeting the Needs of the Twenty-First Century Families*, Fam.L.Q., Fall 1999, p. 69.

¹⁶See *supra*, note 3.

person against whom the information is offered. It was suggested that other issues of admissibility and consideration of non-admissible or non-admitted information or evidence heard by the same judge in different proceedings relating to the same child and family are best addressed by input from the court and the Florida Bar rules committee.

CONCLUSION

This project has not only been an endeavor to further advance the court’s effort to fulfill the long-term legislative initiative for family court reform but to facilitate the courts’ operations and judicial decision-making abilities and responsibilities to address cases within the existing family, dependency and delinquency divisions. A comprehensive and integrated approach to dealing with the legal and non-legal needs of children and families in the judicial system involves the organization and operation of a court system able to manage cases impacting a child and the family across different family law categories and proceedings. Just as important, it requires coordinated interconnection of information systems, the equitable availability of court and non-court systems and services to children and families, and the opportunities for families to resolve disputes and solve their problems with little or no court intervention. Such an endeavor will require a multifaceted approach and a continuous effort over an extended period of time. Below are the predominate actions identified relating primarily to court systems and services.

RECOMMENDATIONS

Statutory principles

- Provide statutory principles underscoring the comprehensive approach to addressing the legal matters of children and families within the court system and non-legal matters through intake, referral and linkage to non-court-based services outside the court system.
- Create a statutory Family Code framework

Judicial Case Management

- Provide statutory authorization for the collection and use of social security numbers or other unique identifiers for case management, processing and tracking purposes.
- Create a legislative workgroup to address technology needs assessment, network and support issues to facilitate the flow and integrity of needed information for the court.

Conflicts in Jurisdiction and Precedence of Orders

- Clarify precedence of dependency orders and jurisdiction relative to pending or subsequent civil proceedings involving issues relating to child custody, visitation and support.
- Clarify mechanisms for the establishment and subsequent modification of temporary or permanent custody, visitation or support orders.
- Enact the Uniform Child Custody and Jurisdiction Enforcement Act (UCCJEA) which updates the 25 year old UCCJA and clarifies jurisdiction and enforcement of interstate custody determinations.
- Promote pre-suit and voluntary mediation and reconcile conflicting confidentiality provisions relating to mediation in family law matters.

Public Records

- Create a study commission to re-examine existing policies, practices and laws relating to public records as relates to the courts and the court clerks to determine whether existing categories and mechanisms for maintaining information publicly exempt and confidential are still appropriate and adequate in light of technological advances and constitutional considerations.
- Enact a legislative moratorium on the Internet publication of official records by the court clerks until such time as the Legislature has had an opportunity to conduct a comprehensive review of public records and privacy policies and laws .