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IMPLEMENTATION OF THE UNIFIED FAMILY COURT MODEL

SUMMARY

Family law court filings make up almost half of all circuit court filings in the state. Historically, these cases have been addressed in a fragmented manner, requiring multiple court appearances by the same family members on related issues and sometimes resulting in multiple, conflicting court orders. In 2001, the Supreme Court approved the recommendations of the Family Court Steering Committee for a model family court or what has come to be known as a “unified family court” (UFC). The UFC concept takes into account not just a more cohesive method for addressing court proceedings, but also it encourages a more holistic approach to addressing the surrounding issues of the family to try to prevent future court appearances. At present, all 20 judicial circuits have implemented some form of a UFC.

Each circuit’s UFC is unique, but all circuits have implemented some of the best practices endorsed by the Court. Practices implemented in the majority of the circuits include case management/coordination, increased use of alternative dispute resolution, and use of magistrates and hearing officers. Circuits report that a lack of sufficient technology and funding have proved to be challenges to full UFC implementation.

BACKGROUND

Over the last 15 years, Florida’s judiciary and the Legislature have been trying to address the disjointed manner¹ in which the state’s highest number of cases—family law and related cases—are addressed by the court system. Of circuit court filings for the past five

available fiscal years,² approximately 44 percent have consistently been family law in nature, which is double the percentage of cases in the next highest filings category.³ Though the percentage of family law cases has remained fairly constant, the complexity of these cases has continued to grow, simultaneously increasing the amount of time and resources dedicated to these cases in the state’s court system.

In 1990, the Legislature passed ch. 90-273, L.O.F., “announc[ing] the policy that family law divisions were to be established within each of the circuit courts of this State.”⁴ This legislation established the Commission on Family Courts (the Commission) and directed it to: 1) develop specific guidelines for the implementation of a family law division within each judicial circuit; (2) provide recommendations for statutory, rule, and organizational changes; and (3) recommend necessary support services.⁵

The Supreme Court adopted the Commission’s recommendations in 1991 and required each circuit to adopt a local rule for establishment of a family court division *or* provide a means to coordinate family law matters that affected one family if the circuit was of such a limited size that it was unable to administratively justify such a division. The Court refined these specifications in 1994, directing circuits “to continue efforts to develop a more holistic response to family-related litigation.”⁶ Further, the Court created the Family Court Steering Committee (the Steering Committee), charging it with responsibility to provide

¹ Cases seem “disjointed” because the family will often have multiple related cases or parts of the same case that may be addressed in multiple proceedings, sometimes resulting in conflicting or overlapping court orders.

² The most recent numbers available are for FY 2000-2004.

³ Summary Reporting System (SRS) data was provided by the Office of the State Courts Administrator (OSCA). This data can be obtained by running a query at <http://trialstats.flcourts.org/>.

⁴ *In re: Report of the Commission on Family Courts*, 646 So. 2d 178, 179 (Fla. 1994) (“*Family Courts IIF*”).

⁵ *In re: Report of the Commission on Family Courts*, 588 So. 2d 586, 587 (Fla. 1991) (“*Family Courts I*”).

⁶ *Family Courts III*, 646 So. 2d at 180.

support and assistance to the Supreme Court, as well as the individual circuits, on the development and full implementation of the family court concept in Florida.⁷

In 2001, the Supreme Court approved the recommendations for the model family court as prepared and released by the Steering Committee.⁸ Recognizing that there will “never be a ‘one size fits all’ model,” the Court endorsed guiding principles and characteristics that represent a compilation of the best practices for the operation of a family court in Florida.⁹ The Court’s goal, as provided in its opinion, continues to be the creation of “a fully integrated, comprehensive approach to handling all cases involving children and families...while at the same time resolving family disputes in a fair, timely, efficient, and cost effective manner.”¹⁰

Though the opinion does not specifically state that the “model” the Court is endorsing is the “unified family court model,” the manner in which the Court describes the model and alludes to the American Bar Association’s (ABA) definition of a unified family court (UFC) makes clear that this is in fact what the Court is endorsing.¹¹ In the years since the Court’s opinion, the UFC has come to be synonymous with the model the Court adopted in 2001, and thus references

⁷ *In re: Report of the Commission on Family Courts*, 633 So. 2d 14, 18 (Fla. 1994) (“*Family Courts II*”).

⁸ *In re: Report of the Family Court Steering Committee*, 794 So. 2d 518 (Fla. 2001) (“*Family Courts IV*”).

⁹ See *id.* at 520.

¹⁰ *Id.* at 519-520.

¹¹ *Id.* at 523. The American Bar Association (ABA) describes a unified family court (UFC) as follows:

A unified family court combines all the essential elements of traditional family and juvenile courts into one entity and contains other resources, such as social services, critical to the resolution of a family’s problems. It is a comprehensive court with jurisdiction over all family-related legal matters. The structure of a unified family court promotes the resolution of family disputes in a fair, comprehensive, and expeditious way. It allows the court to address the family and its long-term needs as well as the problems of the individual litigant. Through its insistence on collaboration among court staffs and units, its “team approach,” and its outreach to social service providers and local volunteers, a unified family court can provide the highest quality of service to its clients and its community.

James W. Bozzomo and Gregory Scolieri, *A Survey of United Family Courts: An Assessment of Different Jurisdictional Models*, 42 FAM. CT. REV. 12 (2004).

to the Court’s model in this report are to the UFC. The objective of this report is to provide the Legislature an overview of where circuits are in UFC implementation.

METHODOLOGY

Staff reviewed relevant court opinions, legislative history, reports and articles, state and national association materials, and materials prepared by the Office of the State Courts Administrator. Additionally, staff reviewed each circuit’s annual family court report, administrative orders relating to unified family courts, and circuit materials further implementing circuits’ UFCs. Staff also attended the 2006 Family Court Conference, surveyed each circuit on its UFC implementation, and met with UFC stakeholders.

FINDINGS¹²

The Supreme Court’s 2001 opinion endorsed guiding principles and characteristics of a model family court, as recommended by the Family Court Steering Committee (the Steering Committee), which circuits must strive to achieve. In that opinion, the Court recognized that, in essence, what the Court was adopting were best practices rather than a uniform model.¹³

Five years after the Court’s opinion, all 20 circuits have implemented some form of what has come to be known as a unified family court (UFC). Each circuit’s UFC is structured somewhat differently, but all circuits have implemented several of the best practices endorsed by the Court. Factors influencing which elements of a UFC that circuits have implemented include the size of the circuit, technology available to the courts in the circuit, and the availability of related services in the circuit.

UFC Divisions/Sections

While the elements employed in the implementation of UFCs in Florida generally follow the guidelines announced in the 2001 court opinion, circuits’ descriptions of what comprises a UFC vary throughout the state. In many circuits, UFC is synonymous with

¹² Many of the “Findings” in this report are based upon the responses of all of Florida’s 20 judicial circuits to a survey administered in the fall of 2006, asking about UFC implementation. Copies of the circuits’ responses are on file with the Senate Committee on Judiciary.

¹³ *Family Courts IV*, 794 So. 2d at 520.

the family law division, meaning that all cases that fall into the family law jurisdiction are considered UFC cases, regardless of whether those cases involve “cross-over” or “related” cases.¹⁴ In contrast, some circuits consider UFC to be a separate division or section within the family law division. In this latter scenario, the UFC division or section receives and coordinates all of a family’s cross-over or related cases that the circuit has designated for such treatment.

In circuits that have implemented a UFC as a separate division or section of the circuit’s family law division, family law cases addressed outside this separate division are still treated somewhat like UFC cases for purposes of the Supreme Court opinion. This is because the opinion not only contemplates the coordination of related cases, but also the use of case management, mediation, referral to services, self-help assistance, and other provisions discussed below as part of the functions of a UFC. Family law cases, regardless of whether there is a cross-over or related case, utilize these services.

Degrees of Implementation

Current practices in the circuits and a review of the administrative orders prescribing the circuits’ UFCs illustrate the point that there is no “one size fits all” model family court, as the Supreme Court predicted in its 2001 opinion. In fact, all of the circuits’ UFCs are somewhat different from one another. Often there are unique UFCs within the same circuit where there are multiple counties,¹⁵ where there are densely populated areas spanning one large county,¹⁶ or where the circuit spans a large geographical area.¹⁷ Among the circuits, however, there are several common elements or best practices that the circuits have implemented thus far.

Case Management: Circuits report the most success in implementation of case management, an element that the Steering Committee considered a defining

characteristic of a model family court.¹⁸ Also referred to by the Court as the “coordinated management” model, aspects of case management include informing the family of voluntary services, referring the family to mandatory court programs, and coordinating all cases involving the family.¹⁹ The coordination of cases is one of the tenets most associated with a UFC and is intended to maximize judicial resources, avoid inconsistent or conflicting court orders, prevent multiple appearances by the parties on the same issues, and monitor compliance with court-ordered services.²⁰

One methodology employed by several circuits to coordinate multiple cases is the “one family, one judge” approach. This system is utilized in some circuits by default because there is only one circuit judge in a county to whom cases may be assigned. Some circuits accomplish this method of coordination by creating a separate “cross-over” docket where all related cases are assigned to one judge.²¹ Other circuits reassign related cases to the same judge within a certain division when a family encounters a case of the type that circuit has designated with cross-over status.²² Though the exact criteria for assignment to the one judge varies among the circuits, the goal of this approach is to have the same judge address all of the family’s legal issues, allowing the judge to be a more informed decision maker when addressing the family’s problems.

In the “one judge” approach, the judge works with a staff member or a team of staff members who facilitate the coordination of cases, including referring litigants to services. Circuits report that the use of this methodology has resulted in fewer conflicting orders and promoted greater accountability for families. However, some stakeholders have expressed concern that, due to some circuits’ methods of implementation, the one judge approach has resulted in inefficiencies for public counsel (state attorneys and public defenders) and private counsel representing families. For instance, counsel may be required to be present for entire appearances where only part of the appearance pertains to him or her. Another concern expressed by stakeholders is that, depending on the case assignment

¹⁴ The definition of what constitutes a “cross-over” or “related” case also varies by circuit. The Florida Supreme Court defined cross-over cases and related cases as situations in which one family is involved in more than one pending case at the same time. *Family Courts IV*, 794 So. 2d at 526 n. 10. Depending on each circuit’s administrative order, these cases may include pending or closed cases.

¹⁵ E.g., 2nd, 9th circuits.

¹⁶ 15th circuit (in this one-county judicial circuit, one of the three courthouses has the UFC docket).

¹⁷ 16th circuit.

¹⁸ *Family Courts IV*, 794 So. 2d at 529.

¹⁹ *Id.*, at 528-529.

²⁰ *Id.*, at 529 (describing the “coordinated management model”).

²¹ 2nd circuit.

²² E.g., 15th, 8th circuits. Cases that are often designated as initiating cross-over status are dependency and delinquency cases.

system employed in the circuit, judges hearing all related cases may be presiding over cases outside of their areas of expertise.

Another approach credited with reducing the number of conflicting orders is the “one family, one team” model. In circuits employing a team to implement case management, judges who are assigned related cases coordinate their efforts with one another through the use of case managers.²³ In the “team of judges” approach, the judges (and their staff) confer with one another as the family’s UFC cases progress to maximize resources and minimize the likelihood of inconsistent orders and conflicting approaches.^{24, 25} In addition, many circuits’ team approaches incorporate magistrates, hearing officers, and mediators in the circuits’ efforts to coordinate proceedings and maximize judicial resources.²⁶

The tools for implementing case management—regardless of whether a circuit chooses the one judge approach or the team approach—are often the same. Court rule requires that petitioners filing a family law case must file a notice of related cases with the court.²⁷ Several circuits that have implemented this requirement have created a form through local rule; litigants complete these forms, which are then utilized to identify related cases.²⁸ Some cases are identified in this manner, but circuits report that petitioners (especially “pro se” or unrepresented litigants) are often unable to provide specific case information such as a case number. In addition to the notice of related

cases form, all circuits reported utilizing computerized data, usually the filing records of the clerk of the court, to manually identify related cases for coordination.

Alternative Dispute Resolution/Mediation: A majority of circuits employ alternative dispute resolution (ADR) to provide alternatives to the litigation process “to reduce the trauma of traditional adversarial litigation,” as encouraged by the Supreme Court.²⁹ Among some of the alternatives to litigation utilized in UFCs are mediation, teen court, truancy court, juvenile arbitration, neighborhood community justice, and mediation of restitution (for juveniles). Circuits report that mediation, in particular, provides for a more efficient use of judicial resources and the ability to settle related cases at the same time. Procedures for referral of litigants to mediation vary by circuit, but in many circuits, parties are automatically referred when a petition is contested. Judges and magistrates may order mediation, but in the majority of circuits, a case manager or sometimes the clerk’s office generates the referral automatically as prescribed in the circuit’s administrative order. Additionally, parties to a family law case are always able to request mediation if the court, magistrate, case manager, or clerk do not refer litigants of their own accord.

In a majority of the circuits where case managers generate automatic referrals to mediation, the case managers are required to review cases for a history or allegations of domestic violence before referral.³⁰ In cases where domestic violence is at issue, some circuits prohibit the case from being mediated while others require the agreement of all of the parties to participate in mediation before allowing the case to be mediated.

General Magistrates/Hearing Officers: Following the Steering Committee’s recommendations, the Supreme Court endorsed the use of quasi-judicial officers to expedite hearings, to assist the public, and to conserve judicial resources.³¹ Based upon results of self assessments for 2004 and 2005, circuits are increasing their use of magistrates and hearing officers.³²

²³ OFFICE OF THE STATE COURTS ADMINISTRATOR/THE STEERING COMMITTEE ON FAMILIES AND CHILDREN IN THE COURT, FLORIDA’S FAMILY COURT TOOL KIT: VOL. 2 22 (2004) (“*Tool Kit: Vol. 2*”).

²⁴ *Family Courts IV*, 794 So. 2d at 529.

²⁵ Apart from its application solely in the UFC context, the use of a team can also be helpful in situations where there is a related criminal proceeding that lies outside of UFC jurisdiction (e.g., criminal child abuse or domestic violence charges). In this scenario, the criminal case can be coordinated with the UFC case to realize the same economies of scale as when other related UFC cases are coordinated. *Tool Kit: Vol. 2* at 23.

²⁶ E.g., 14th, 15th circuits.

²⁷ Fla. R. Jud. Admin., Rule 2.545(d)(1). This rule was adopted to implement the Steering Committee’s recommendation that the Court adopt a rule of judicial administration that would “require judges who are assigned to different cases involving the same family to confer, and to coordinate pending litigation...” *In re: Amendments to the Rules of Judicial Administration*, 915 So. 2d 157, 160 (Fla. 2005).

²⁸ E.g., 2nd, 15th circuits.

²⁹ *Family Courts IV*, 794 So. 2d at 526.

³⁰ Review for incidence of domestic violence is required pursuant to Fla. Fam. L.R.P., Rule 12.200(a)(1)(J), though, according to the Florida Coalition Against Domestic Violence, this requirement has not been implemented in many circuits.

³¹ *Family Courts IV*, 794 So. 2d at 526.

³² See OFFICE OF THE STATE COURTS ADMINISTRATOR, FAMILY COURT SELF ASSESSMENT, STATEWIDE SUMMARY 2004-2005, available at http://www.flcourts.org/gen_public/family/bin/statewide_

Magistrates are most often employed in family law cases involving dependency or dissolution of marriage to identify and resolve as many issues as possible before parties appear in court and to conduct judicial reviews and other hearings. The use of magistrates, however, is not limited to these areas. Magistrates also handle some issues involving delinquency and Title IV-D child support cases.

“Title IV-D cases” are child support proceedings in which the Florida Department of Revenue is providing child support collection services within the scope of Title IV-D of the Social Security Act.³³ The state receives federal matching dollars for the administration of its Child Support Enforcement Program, which includes locating parents and establishing and enforcing child support orders. Hearing officers are employed using these federal funds to establish the obligation of parents to pay child support and to modify and enforce payment of support orders.^{34, 35} Thus, where there are also issues involving parenting or contested paternity, some circuits refer the entire case to a magistrate who can hear these issues in addition to establishment of the support obligation.

Challenges to Implementation

The majority of the circuits report that they have implemented all of the elements of a UFC as specified in the Supreme Court’s 2001 opinion to some degree. Several circuits, however, noted that certain elements have been implemented circuit-wide while other elements have been limited to certain counties or areas within a circuit. The reasons most circuits cited for limited implementation have been a lack of technology and funding, though in some areas it has been because the circuit spans a large geographic area, making it difficult for providers to service the entire area.

Technology: The Supreme Court stated that an integrated management information system to coordinate and monitor cases in the family court is central to the success of a model family court.³⁶ The

selfassessment.pdf, last visited October 2, 2006.

³³ These cases are established pursuant to 42 U.S.C. ss. 651 et seq.

³⁴ Limitations on areas of Title IV-D hearing officer funding are inferred by what are considered allowed expenditures under 42 U.S.C. s. 654 and 45 C.F.R. s. 304.20.

³⁵ In keeping with the federal limitations on Title IV-D reimbursement, the jurisdiction of hearing officers is limited as provided in Fla. Fam. L.R.P., Rule 12.491.

³⁶ *Family Courts IV*, 794 So. 2d at 530.

Court specified that the system should be integrated to provide information on all pending and closed cases involving members of a family. The system also should provide for automatic calendar management; monitor a case’s progress and automatically generate notices and orders; maintain a family’s history of involvement with the court system; allow court document retrieval; capture statistical data; search records for all counties of the state; allow for real-time courtroom data entry; allow for teleconferencing and remote appearance; and allow for interagency and public access to appropriate information.³⁷

Currently, no court-based³⁸ integrated management system has been developed or implemented statewide or at the circuit level. Most circuits utilize the local information systems developed by the clerks in each of the counties within the respective circuit for tracking cases and calendaring proceedings.³⁹ One drawback to the use of clerk systems, however, is that at present the databases are designed for the needs of the clerks’ offices (i.e., maintaining records) and not specifically the needs of the court. Thus, in some circuits the courts also must review several additional databases (e.g., law enforcement, corrections, agency records, etc.) to identify related cases and to check for items such as service of process, probation status, attendance at treatment programs, criminal history, hearing dates, and case status.

Some circuits are in the process of developing an integrated management system, but there is no statewide court-based system in place. For statewide case information, the circuits refer to the statewide Comprehensive Case Information System (CCIS), which is a system developed by the clerks in cooperation with the courts.⁴⁰ CCIS was developed in

³⁷ *Id.*

³⁸ A “court-based” system refers to one developed by the courts for the courts as opposed to a system created by another governmental entity and utilized by the courts.

³⁹ The clerks’ information systems are based upon the needs of the clerks and funded through fees collected pursuant to s. 28.24(12)(e), F.S. Each county clerk has a local system, tailored to the needs of that locality, in addition to a statewide system called the Comprehensive Case Information System (CCIS) used to provide general case/party information to the clerks/courts/agencies throughout the state.

⁴⁰ The Office of the State Courts Administrator and the Florida Association of Court Clerks have entered into an agreement that provides access for circuit and county judges to CCIS and allows for the court-related data in CCIS to be utilized in any case management system

an effort to capture case information and to identify and link cases to a specific individual. Cases are linked to an individual through the use of a unique personal identifier, which consists of a random 12-digit number.⁴¹ This identifier is not the same unique identifier contemplated in s. 25.375, F.S., where the Legislature has provided for the Supreme Court to create and modify information technology systems to implement a unique identifier for each person to identify all cases related to that “person or his or her family.” According to the Office of the State Courts Administrator, the Court has been working with the Department of Children and Family Services (DCF) to create a unique identifier for cases involving dependency, but there has been no development of a unique personal identifier to be used in all family law cases.

Apart from its use in case management efforts, some circuits also utilize technology to help facilitate implementation of other best practices endorsed by the Court. Some of the other elements where circuits are employing technology include:

- ✓ Self-help – many circuits post forms, information, and services for referral on their websites for public use;
- ✓ Domestic Violence – some circuits provide victims with hard copies of restraining orders before they leave the courtroom, enhancing the enforceability of these orders;⁴²
- ✓ Court Efficiency – all circuits employ multiple programs in the daily administration of the courts for acts such as generating statistical reports and automatic notices, calendaring proceedings, video-conferencing/facilitating remote court appearances, and digitally recording court proceedings.

developed by the courts. “Memorandum of Understanding,” dated April 28, 2005.

⁴¹ The number is not shared with the user and appears nowhere, for it used by the computer for matching purposes only. *See* THE FLORIDA ASSOCIATION OF COURT CLERKS & COMPTROLLERS, UNIQUE PERSONAL IDENTIFIER LEGISLATIVE PROPOSAL PURSUANT TO SENATE BILL 348, December 21, 2005 3-4 (filed in response to s. 2, ch. 2005-239, L.O.F., relating to family court efficiency).

⁴² According to representatives from the Florida Coalition Against Domestic Violence, law enforcement authorities often do not have access to the orders; without immediate receipt of the order, it can be difficult for a victim to prove the existence of the order for enforcement purposes.

Funding: In advance of implementing Revision 7 to Article V of the State Constitution, the 2000 Legislature created s. 29.004, F.S., which provides what are considered “elements of the state courts system” for purposes of state funding of the court system. In the 2001 opinion, the Court noted that while many of the costs of funding the court system would be shifted to the state as a result of Revision 7 to the State Constitution, not all elements of a model family court would necessarily be funded through the budget of the state court system.⁴³ The Court pointed to supervised visitation as one example of a service that, to the extent it was offered, was being funded by the DCF.

Upon review of what the Legislature has designated as elements of the state courts system, it appears that the state funds what might be described as the “nuts and bolts” of a court system in addition to related services targeted at improving court efficiency (e.g., case management and mediation).⁴⁴ It is with the additional elements the Court has endorsed as part of a UFC, such as supervised visitation, custody evaluation, counseling services/treatment programs, and parenting education programs, that the circuits report difficulties in implementation. The provision of these support services, deemed by some to be a more social service component of a UFC,⁴⁵ is less certain because courts depend upon other agencies with limited resources to provide such services. These agencies are often dependent upon volunteers, grants, and county funding for delivery of services, all of which vary from county to county and from year to year.

Apart from the lack of funding for the more “social service” elements of a UFC, circuits also express a need for more case manager funding. While a great deal of implementation has been accomplished by circuits reorganizing the way they handle the same number of cases, the circuits report that identification and coordination of those cases when they are related

⁴³ *Family Courts IV*, 794 So. 2d at 528 n. 14.

⁴⁴ In addition, since the Court issued its opinion, there have been no budget requests specific to implementation of a UFC, according to Senate Justice Appropriations staff and OSCA staff. The absence of a budget request specific to UFC implementation could be the result of the budgetary process over the past several years, wherein the Legislature has budgeted for the courts in a broader fashion, leaving discretion to the judiciary for targeting appropriated dollars toward its perceived needs.

⁴⁵ Based upon comments from meeting with stakeholders, September 26, 2006, Senate Office Building, Tallahassee, Florida.

requires more involvement of case managers. This identification and coordination of cases is unique to UFCs and not a duty upon which the Court previously focused or for which time was allotted by case managers in the judicial circuits.

There are also services that are encouraged by the Supreme Court in its opinion, but not required constitutionally in all circumstances. Appointment of a Guardian Ad Litem (GAL) is one example of a service that is required in some cases,⁴⁶ and therefore funded by the state, but not required in others.⁴⁷ Because GAL programs rely heavily on volunteers, it is often difficult for circuits to achieve appointment of a GAL in cases where the state is not required to provide for representation.

Other Issues: Some circuits report that the transfer of litigant intake⁴⁸ from court administration to the clerk's office impedes circuits' efforts at implementing the self-help component of the Court's recommendations. In 2003, the responsibility for providing "ministerial assistance" to pro se (unrepresented) litigants was assigned to the clerk's office.⁴⁹ Many circuits comment that, before this responsibility was explicitly shifted to the clerk, courts used this stage of the litigation process to refer litigants to services and to better assess cases.

Some circuits also report that their geographic makeup has hindered efforts at fully implementing a UFC. As mentioned above, circuits made up of several smaller, less densely populated counties are able to employ the one judge model of case coordination by default because there is only one circuit judge assigned to a given county. These circuits report, however, that they experience more difficulty with the provision of services for litigants because the types of available services can vary by county and the more rural areas are less likely to have public transportation that families can utilize to obtain services. A lack in the uniformity of available services has also been reported in areas where a county spans a larger geographical

area and is more sparsely populated.⁵⁰

Benefits of Implementation

Though the degree and methods of UFC implementation vary throughout the state, circuits report similar benefits to this holistic approach to family law cases. Among the benefits most commonly reported are more informed decision making by the judiciary; fewer conflicting orders related to one family; and a decrease in the number of post-judgment actions. Additional benefits that several circuits report are more positive experiences for families utilizing the system; more families receiving help; maximization of judicial resources; minimization of inconvenience to families; providing accountability for parents and children; and fewer court appearances for families.

The benefits most commonly realized in circuits appear to stem from the coordination of related cases, regardless of the methodology employed to address these cases.⁵¹ Circuits report that judges, magistrates, and hearing officers are more informed decision makers because, through the identification and coordination of related cases, they are now aware of additional factors that may affect the case over which they are presiding. For example, if a separate child abuse case is taking place at the same time a judge is ruling on child custody in a dissolution of marriage case, the disposition of the former case will likely influence the latter case and family dynamics may at the same time be causing the child to commit delinquent acts.

Further, if the cases are coordinated, it is far less likely that a judge will issue a conflicting ruling granting custody to an abusive parent if the judge is aware of the abuse proceedings. The judge (whether it is the same judge or a different, coordinating judge) may refer that same child appearing on a delinquency action to receive counseling as part of the disposition of charges pending against the child. There would be fewer post-judgment actions in this example of coordinated cases because there would have been no conflicting order regarding the child's custody, and further misbehavior of the child might be avoided as a result of the counseling that the judge ordered but would not otherwise have known was needed.

⁴⁶ E.g., dependency, delinquency, abuse, and neglect cases.

⁴⁷ E.g., marital dissolution (where there are no allegations of abuse or neglect).

⁴⁸ At the time of filing, the clerk provides "ministerial assistance" to pro se litigants as s. 28.215, F.S., directs. This assistance can include providing access to forms, court rules, and a law library.

⁴⁹ In ch. 2003-402, L.O.F., the Legislature created s. 28.215, F.S., requiring the clerk to assist pro se litigants.

⁵⁰ E.g., the 16th circuit is made up of one county, Monroe County, but the county's population is scattered over 120 miles.

⁵¹ E.g., "one family, one judge," "one family, one team," etc.

The additional benefits several circuits report can be seen as the result of the case management aspect to a UFC. Like clerks, case managers monitoring case progress work with pro se litigants to refer them to needed services, respond to general procedural questions, and inform them of any documentation that might be necessary for the court. Also part of case management, many circuits attempt to resolve as many issues as possible outside court, making a more efficient use of both judge and litigant time by having fewer court appearances. Through the use of mediators, magistrates, and hearing officers, most parties resolve the majority of their issues with little need for judicial involvement. Once a family's legal issues have been resolved, some circuits continue to utilize case management to provide accountability by monitoring cases for compliance with court orders.

Conclusion

The purpose of this report is to provide the Legislature an indication of where circuits are in UFC implementation. Research for this report reveals that the approaches to establishing a UFC are localized to the particular needs of each circuit, and several circuits' UFCs are still in the initial stages of development. Even in circuits where a UFC has been in place for a longer period of time, many are still refining their approaches to family law cases. The Supreme Court recognized this need for flexibility when it used the phrase "best practices" in its endorsement of a UFC.

RECOMMENDATIONS

In light of Florida's separation of powers doctrine, and the role of the judiciary in regulating practice and procedure within the courts,⁵² ongoing efforts to implement a unified family court (UFC) will continue to be largely a product of the judiciary. Nevertheless, there are still some challenges to implementation of which the Legislature should be aware, for these may be areas in which it can facilitate the UFC initiative.

Technology

At present, many circuits are able to coordinate related cases to prevent conflicting orders and multiple court appearances on related issues. However, this process is

often inefficient because the courts are dependent upon management information systems designed primarily for clerk functions. The Legislature may wish to carefully monitor technology initiatives to identify opportunities to assist in efforts to create a fully integrated statewide system that not only coordinates cases but also facilitates case tracking, calendaring of events, sending notices, generating orders, and other court-related tasks.

Funding

Circuits are handling roughly the same percentage of family law filings that they have been processing in previous years. Two areas that have seen an increase in activity, however, are case management and social services. The increased focus of UFCs on identifying and coordinating related cases requires more case manager time, which is putting a strain on personnel in the courts, according to the circuits. In contrast, the provision of social services for referral of families is dependent upon other state agencies, grants, private non-profit organizations, and user fees to provide the social services to which litigants are referred. If the Legislature decided as a policy it wanted to specifically direct resources to further implement UFC, it could work in concert with the courts and agencies to identify specific needs as part of the annual budget process.

Statutory Revision

In 2005, the Legislature addressed several substantive issues relating to family court efficiency when it passed ch. 2005-239, L.O.F.⁵³ A potential additional statutory revision relates to litigant intake (assistance provided to litigants at the time of filing). Currently, s. 28.215, F.S., directs the clerk's office to provide "ministerial assistance" to pro se (unrepresented) litigants. The Supreme Court has recognized that an overwhelmingly large percentage of litigants in family law matters are unrepresented, making the need for a consistent approach to offering self-help services to litigants in this area critical. Several circuits report a disconnect in the intake and referral process since intake was transferred to the clerk's office. The Legislature may wish to revise this statute to provide authority for local agreements within a circuit for provision of this service.

⁵² See, for example, *State v. Raymond*, 906 So. 2d 1045 (Fla. 2005).

⁵³ These statutes were created/revised pursuant to the Legislature's authority to pass substantive law "which creates, defines, and regulates rights, or that part of law which the courts are established to administer." *Raymond*, 906 So. 2d at 1048-1049.