

**THE SUPERIOR COURT
OF FULTON COUNTY
FAMILY DIVISION**

*TASK FORCE
RECOMMENDATIONS*

2015



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EXECUTIVE SUMMARY

The Superior Court of Fulton County Family Division (hereinafter “Family Division”) was formed as a pilot project in 1998 to: “provide a speedy, certain, comprehensive, non-adversarial approach to the judicial resolution of multiple family problems and disputes while more systematically and effectively addressing the interests of children and the family unit.”¹ The Family Division transitioned from a three-year pilot project to becoming the manner in which Fulton County handled all family law matters. In 2014, a survey of stakeholders was conducted which identified many strengths of the Family Division but also highlighted areas for improvement. It became clear that the steady increase in caseloads combined with scarce resources was impacting the ability of the Family Division to meet its original mission.

In 2014, the Superior Court of Fulton County convened a Family Division Task Force to study the current status of the Family Division and make recommendations for improvement. The purpose of the Task Force was to:

- 1) *Evaluate the current processes and procedures;*
- 2) *Propose measures to improve efficiency and consistency in the Family Division;*
- 3) *Make recommendations regarding any changes needed to advance the mission of the Family Division.*

The Task Force was comprised of current and past Family Division Judges, judicial officers, court staff, and attorneys who practice in family law. The Task Force formed three workgroups and met each month to discuss and consider court operations and case management, Family Division rules and policies and court education and resources available to attorneys and litigants, particularly pro se litigants. Following several months of meetings, thoughtful dialogue, research and site visits, the Task Force have issued a number of recommendations. The following is a summary of those recommendations:

¹ Superior Court of Fulton County Family Division, 2010 Amended Local Rules, Rule 100-1 “Mission”.

June 15, 2015

Short-Term (Critical in Bold)

Put in Action Immediately

- **Add a 4th judge to the Family Division.**
- **More efficient use of human capital.**
(judicial officers & case managers)
- Update and enhance resources on the Family Division website.
- Amend Division rules and standardize materials.

Mid-Term

Put in Action Within One Year

- Improve training procedures.
- Increase term limits for Superior Court Judges service in the Family Division.
- Conduct regular performance evaluation.
- Implement differentiated case management & layered alternative dispute resolution.
- Improve data collection.

Long-Term

Put In Action Within 1-3 Years

- Create new facilities/services.

The Task Force hopes that these recommendations will help the Family Division continue in its mission of providing the highest quality service to the people of Fulton County and to better assist lawyers representing residents to achieve expeditious and just resolutions.

June 15, 2015

**THE SUPERIOR COURT OF FULTON COUNTY
FAMILY DIVISION TASK FORCE MEMBERS**

SUPERIOR COURT JUDGES

Chief Judge Gail S. Tusan
Judge Doris L. Downs
Judge Wendy L. Shoob
Judge Bensonetta T. Lane
Judge Jane C. Barwick
Judge Todd Markle

SUPERIOR COURT ADMINISTRATION STAFF

Ms. Yolanda Lewis, District Court Administrator
Ms. Tracy B. Johnson, Family Division Director
Mr. Jerry Wood, ADR Director
Ms. Tiffany M. Russell, Planning and Development Director

JUDICIAL COUNCIL/ADMINISTRATIVE OFFICE OF THE COURTS STAFF

Mr. Christopher Hansard, Assistant Director of Research and Regulatory
Mr. Robert Aycock, Research and Statistical Analyst
Ms. Wendy Hosch, Research and Statistical Analyst
Ms. Kimberly Miller, Research and Statistical Analyst

MEMBERS

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Diana Lynch
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Megan Miller
Judge Thelma Wyatt Moore
Rebecca Crumrine Rieder
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Judge Renata Turner
Elizabeth Whipple

INTRODUCTION

BACKGROUND

The Family Division of the Fulton County Superior Court was created in 1998. Two major objectives drove the creation of this division. The first was a desire to provide a more comprehensive approach to helping families in crisis. The division accomplished this by using both judicial adjudication and service intervention methods. The second objective was to improve efficiency by assigning cases involving the same family to one judicial team and scheduling cases at regular intervals. Since its creation, the Family Division has continued as a part of the Fulton County Superior Court. In the first full year of operation, 1234 cases were filed. In 2014, 5,242 cases were filed in the Family Division - over a 400% increase.

ORGANIZATION

The Superior Court Family Division is comprised of three superior court judges who rotate in and out of the division and exclusively adjudicate family law cases. The Family Division also uses judicial officers, who are appointed as magistrates, to supplement the Family Division Judges' hearing schedules and to conduct status conferences in cases at regular intervals. In addition to the Judges, administrative staff of the Family Division includes the Director, Administrative Support Staff, Social Services Coordinators, Family Law Information Center (FLIC) Assistants, Domestic Violence Case Managers, a "One Stop" Assistant, and a "Families in Transition" Seminar Coordinator.

JURISDICTION & SERVICES

The Family Division has jurisdiction over divorce, separation, annulment, custody and visitation, child support, contempt, modification, paternity, contested adoption, appointment of legal guardians, termination of parental rights, and domestic violence. Beyond these judicial functions, the Family Division provides several services including the ones listed below.

- Social Services Investigations
- Court Ordered Paternity Testing

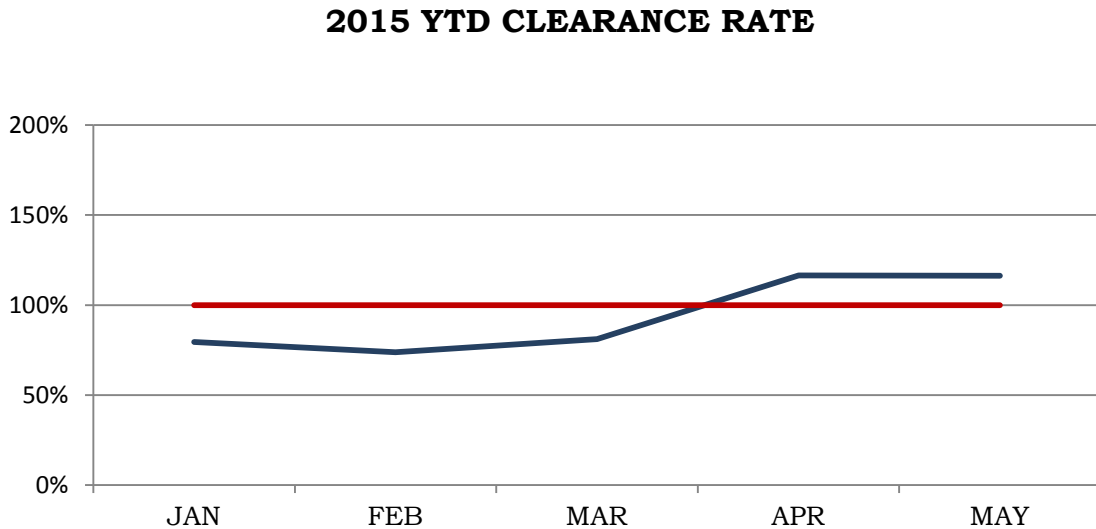
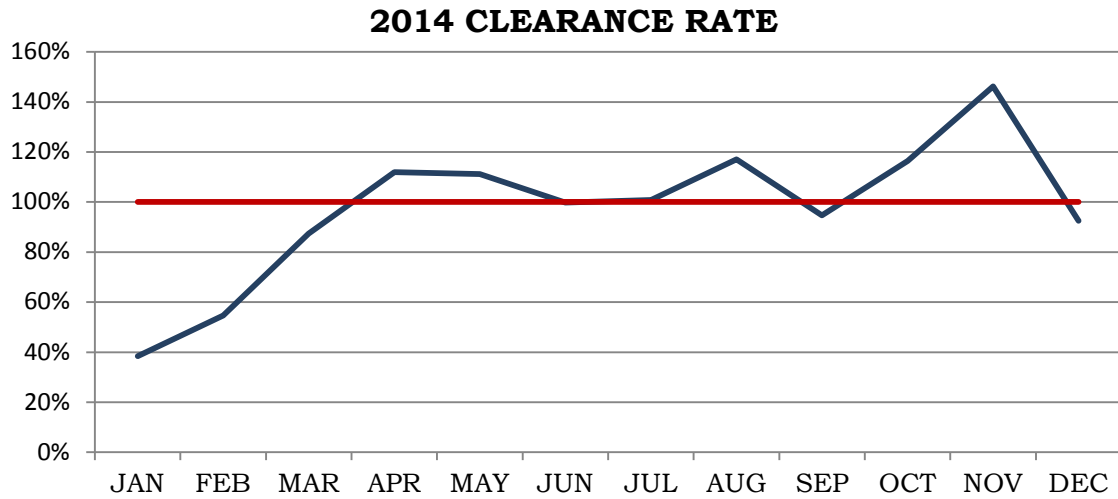
- On Site Drug and Alcohol Testing
- Child Support Worksheet Assistance
- Legal Forms / Packets
- Free Attorney Consultations / Legal Clinics
- Free Notary Services for Domestic Relations
- Families in Transition Seminars
- Alternative Dispute Resolution
- The One Stop - Temporary Protective Order Assistance

PERFORMANCE MEASURES

FAMILY DIVISION CASELOAD METRICS

For the past 13 years, an average of more than 5000 cases was filed each year in the Family Division. In the last three years, the average yearly caseload is 5400 cases.² Given the steady increase in cases filed as well as the increase in pro se litigants since the economic downturn in 2008, the Family Division has struggled to match the number of cases cleared per year with the number of cases filed. These “clearance rates” are used to track how well a court is keeping up with its caseloads. Clearance rate is the number of outgoing cases compared to the number of incoming cases. If clearance rates fall below 100%, a backlog can be created, as cases will be left over for the next year. Overall, clearance rates provide a simple way to measure how well courts are keeping up with their caseload burdens. The Family Division strives to maintain a 100 percent clearance rate. The red line fixed at 100 percent on the graphs represents this desire. In 2014, the final clearance rate fell below this target. Similar results were found in previous years dating back to 2012.

² In addition, during each of the last 10 years, the Family Law Information Center maintained by the Family Division has served an average of 10,000 walk-in visitors and over 20,000 phone calls.



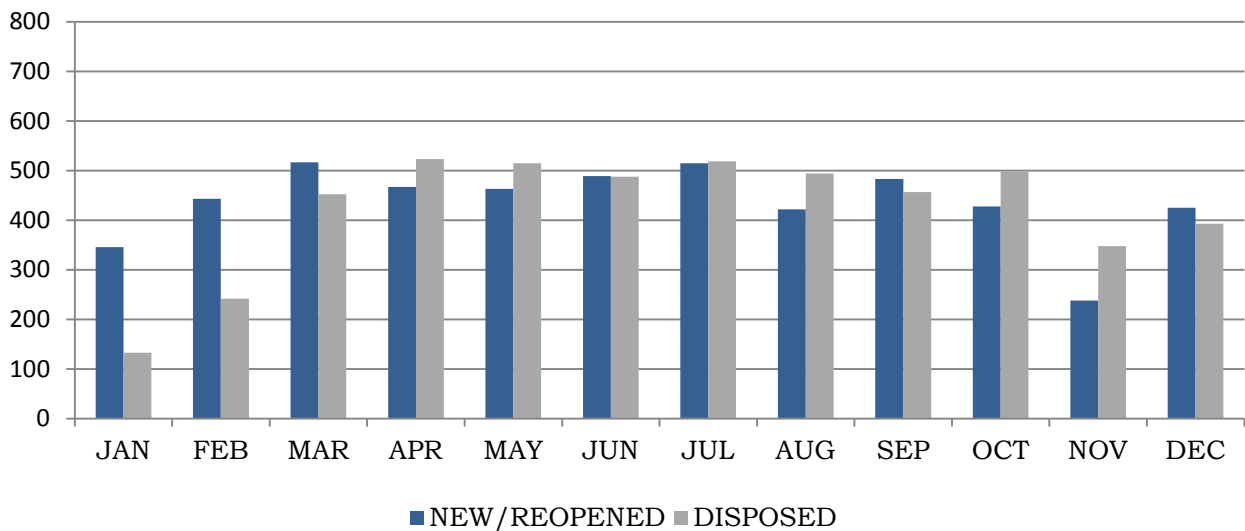
The next two charts outline the case activity for 2014 and part of 2015. The number of new or reopened cases³ is presented next to the number of cases disposed to in that same month. As can be seen in the graphs, new/responded caseload often matches or exceeds the number of disposed cases. When pending cases are included, as can be seen in the table, the backlog of cases becomes apparent. Beyond the number of assigned cases shown in the charts and table, the Family Division also handles a large number of domestic violence cases. In 2014, 2,239

³ Because of the contentiousness of domestic relations cases, they are reopened at a higher rate than other cases for further action in the court. See Appendix A.

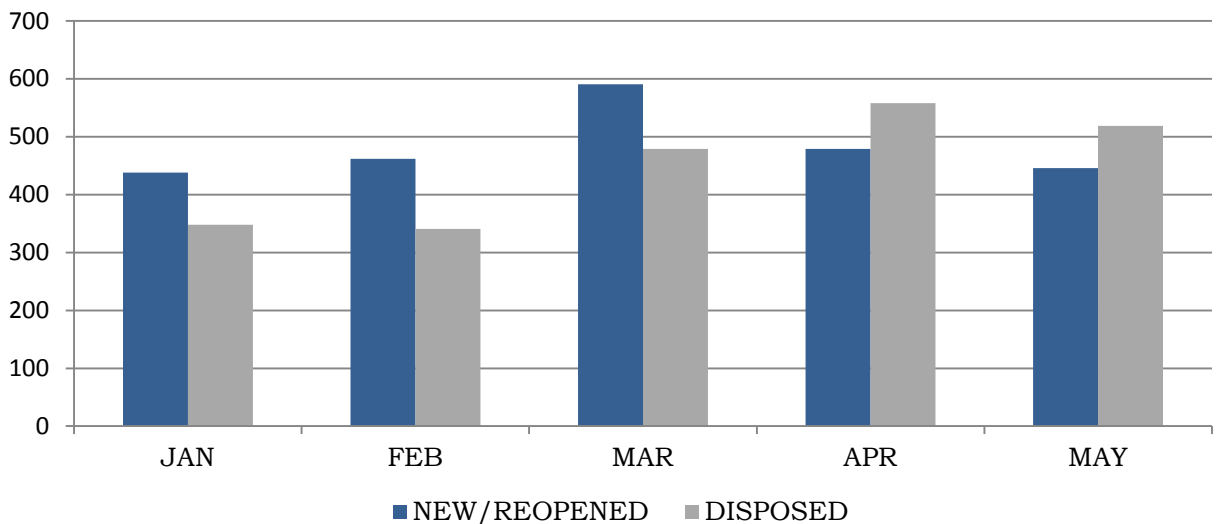
domestic violence cases were filed in the Family Division. Despite the best attempts of Family Division judges and staff to handle this case volume, the data suggests they are overextended.

In looking at clearance rates and caseloads, it is important to note the longer a case is pending, the longer a family, most particularly children, are hanging in limbo. Reducing the amount of time that families are actively involved in litigation and disputes increases positive outcomes for children in these cases. The length and the level of conflict is one of the strongest indicators of negative, long-term consequences for children. In addition, efficiently and effectively handling family law disputes can provide protection to a party and children in an otherwise unsafe situation.

2014 CASE ACTIVITY



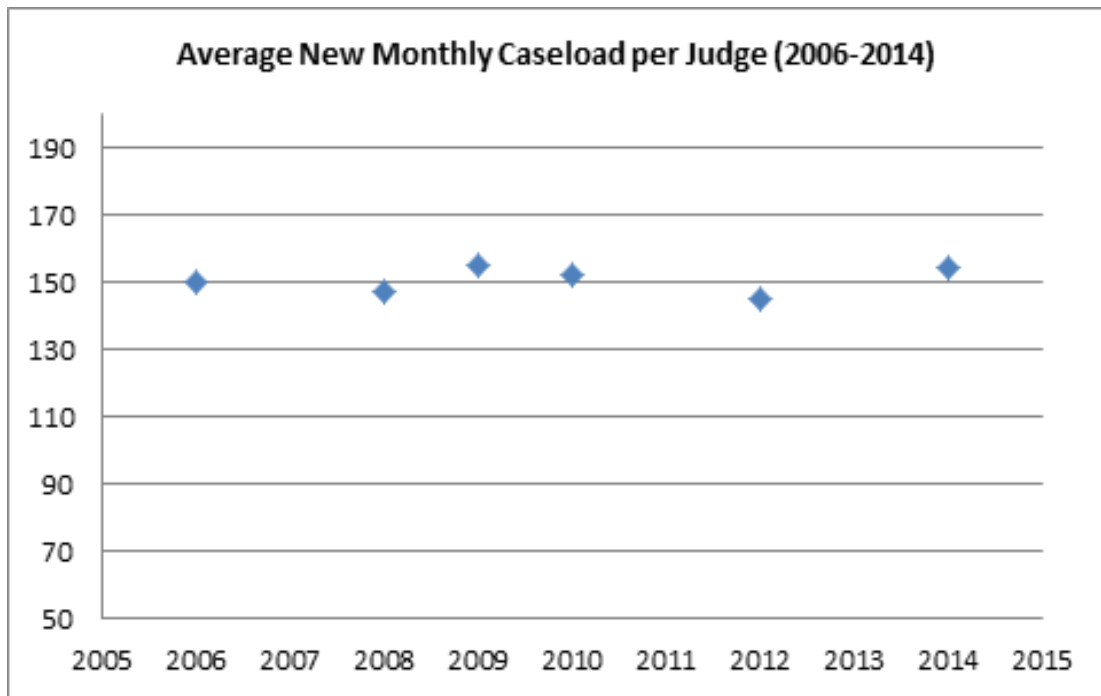
2015 YTD CASE ACTIVITY



AVERAGE CASELOAD PER JUDGE (JANUARY- MAY 2015)

JUDGE	PENDING CASES	NEW CASES	CASES DISPOSED
DOWNS (FAMILY 1)	560	158	152
BARWICK (FAMILY 2)	517	159	153
LANE (FAMILY 3)	581	161	157

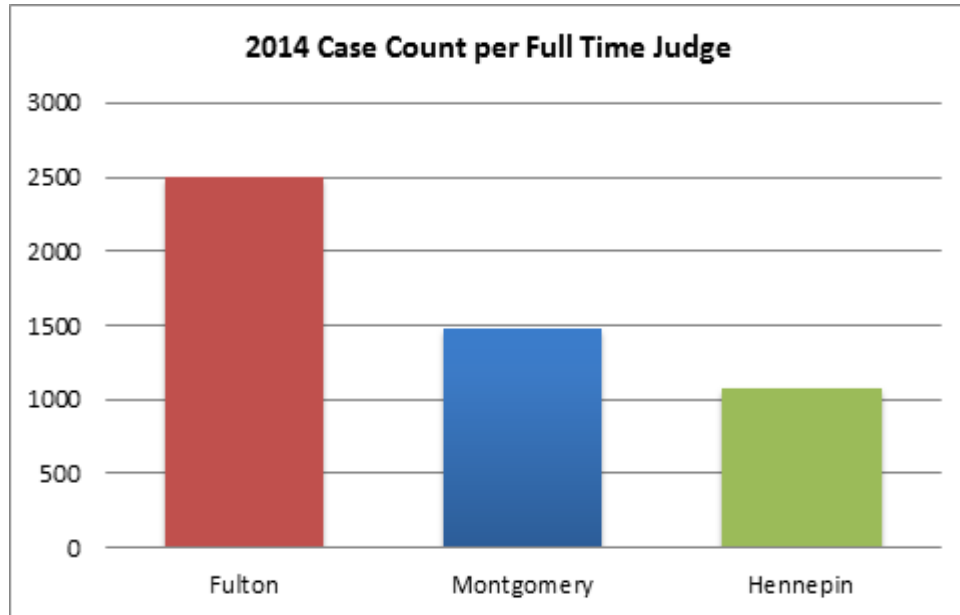
Looking at data from previous years illustrates how the Family Division’s high caseload has been a persistent problem. New caseload volume has remained constant for nearly a decade.



COMPARATIVE ANALYSIS

Several members of the Task Force conducted site visits to other court family divisions outside of Georgia in order to compare practices and find positive examples to emulate. The counties visited were Hennepin County, Minnesota, Montgomery County, Maryland and Mecklenburg County, North Carolina. All three counties have populations similar to Fulton.

One important discovery made during the site visits, is the disparity of caseload burden faced by Judge in the Family Division as compared to family court judges in the other jurisdictions. As can be seen in following chart, the caseload per judge for Montgomery County and Hennepin County is considerably lower that what is faced by Fulton's judges ⁴



Beyond this quantitative comparison, the site visits offered the Task Force several examples of programs and resources that could help the Family Division better meet its goals and better serve the public. A selection of useful programs from each county has is provided below:

⁴ The count for Fulton is the sum of 5185 new Family Division assignments plus 2239 domestic violence cases which totals 7424. This is compared to 8910 new family law assignments in Montgomery County and 9642 cases filed in Hennepin County for 9 full time elected judges. The Fulton County Family Division has 3 full time judges compared to 6 for the Montgomery County Family Division and 9 for Hennepin County Family Division.

HENNEPIN COUNTY, MINNESOTA

- *Early Case Management System*

These programs improve caseload efficiencies by deemphasizes litigiousness and focusing on settling the case. One process is very informal in that judges do not wear robes while engaging in conversation with the parties. Judges encourage early neutral evaluation as a means to help parties settle the case.

- *Alternative Early Dispute Resolution*

Through a voluntary and confidential process, highly qualified early neutral evaluators are able to give an assessment of a case and allow the parties the opportunity to mediate. There is a 74% settlement rate in social early neutral evaluation, which is for children's issues and 68% settlement rate in financial early neutral evaluation for all financial related matters. There are also a number of other forms of ADR regularly utilized through the life of a case.

- *Self-Help Centers*

In addition to a court and a county self-help center, there are statewide self-help services including document review and feedback by telephone, email and online videos. Three attorneys, four paralegals and one legal assistant staff the court center.

- *Court Culture*

The court has established the goal of providing services to aid parties in resolving their own disputes rather than pushing people to trial.

MONTGOMERY COUNTY, MARYLAND

- *Family Case Management Tracks*

By using a variety of differentiated case management tracts, the Montgomery County Family division is able to better triage cases.

- *Facilitation*

An onsite seasoned, experienced attorney helps handle temporary issues during scheduling hearings.

- *Assessment/Evaluations*

Court assessments and evaluations in contested custody and visitation matters as well as co-parenting skills enhancement programs assist families in resolving custody and parenting time disputes. They also serve to reduce family conflict and promote healthy communities by creating child-centered solutions for families.

- *Supervised Visitation*

A designated visitation facility is located in close proximity to the Family Division allowing for supervised and secure visitation by participating families. The courts share this Visitation House with the county child welfare agency.

MECKLENBURG COUNTY, NORTH CAROLINA

- *Bifurcated Cases*

The family court program in Mecklenburg County was created in 1999 as a specialized court also focused on the “One Family – One Judge” concept. A distinguishing factor of this Court was that when family cases are filed, the divorce, custody and property division issues are bifurcated in recognition that they are separate and distinct issues. The primary focus and most resources are placed on children, juveniles and custody issues. This Court utilizes domestic case coordinators, juvenile case coordinators, child access coordinators and custody mediators.

- *Centralized Family Support Staff*

All administrative and support staff are located in a separate office, not in each judge’s chambers, and they remain there as the judges rotate in and out of managing family law cases. This promotes continuity. Their time standards include entering final orders in 100% of their cases within 365 days of being filed. Categories in which orders are tracked include: alimony, child support, post-separation support, custody, juvenile delinquency/undisciplined cases and juvenile abuse and dependency cases.

2014 FAMILY DIVISION SURVEY RESULTS

In 2014, the Family Division administered surveys to staff and attorneys working in the Division. The objective of the surveys was to ascertain satisfaction levels within these groups and to identify areas in need of improvement. The internal survey revealed that dissatisfaction among Family Division staff was centered on job training, working conditions surrounding high case loads, supervisor support, use of time and talent, and career development. Another source of dissatisfaction was a perceived lack of respect for the Family Division in the rest of the superior court administration and bench. Judicial staff was substantially more negative in their responses than administrative staff primarily stemming from the high caseloads, the lack of resources, and the level of pro se filings.

An external survey was sent to members of the bar associations in the Metro-Atlanta, and the Family Division received a total of 231 responses. Attorneys working with the Family Division reported a 71% overall satisfaction rating. The survey also illustrated several areas of lower satisfaction including:

- *Calendaring, timing and value of status conferences and opt out procedures*
- *Division responsiveness and consistency*
- *Customer service*
- *Discovery issues*

Some of the comments from the survey include:

- *It is very difficult to get a temporary hearing scheduled before any of the Judges*
- *It often takes weeks to get a hearing scheduled, then several more weeks before the hearing date arrives*
- *The fact that parties could wait 60-120 days to see an elected judge to obtain temporary relief is inexcusable.*
- *Once the Court determines there is an emergency, they are very responsive to hearing the issue. The problem is finding time in their busy schedules to hear the matter.*

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- o *It is generally accepted that it takes 12-18 months to final trial. While it would help enhance the public’s view of the judiciary if it was sooner, practical reality makes it understandably impossible.*
- o *The Judges clearly do not have sufficient time to hear all of the grievances placed before them.*
- o *Judge XX is a great Judge, but I felt that the Judge was impatient and “rushing” us through the presentation and it left the client with the feeling that he did not have a fair chance.*

RECOMMENDATIONS

The Task Force met over a period of nine months to discuss the challenges facing the Family Division. After establishing a list of the most critical challenges, the Task Force developed objectives that would allow the Division to better perform its mission.

COMMON CHALLENGES	COMMON OBJECTIVES
<i>Case Continuances</i>	<i>Create User Friendly Education Resources</i>
<i>Scheduling Issues</i>	<i>Improved Customer Service</i>
<i>Status Conferences</i>	<i>Increased Trial Date Certainty</i>
<i>Lack of Uniformity & Protocol</i>	<i>Differentiated Case Management</i>
<i>High Case Volume</i>	<i>Providing Individual-Focused Justice in Individual Cases</i>
<i>Unclear Job Objective</i>	<i>Creating a Help Desk</i>
<i>Lack of Communication</i>	<i>Improve Technological Resources</i>
<i>Domestic Violence Screening</i>	<i>Extended Legal Services</i>
<i>Handbook Issues</i>	
<i>Consolidated Services Issues</i>	

Building from these challenges and objectives, the Task Force prepared the recommendations below, which have been sorted by timing, cost and ease of implementation.

Recommendations listed as critical are considered to be of the greatest importance and would, according to the Task Force, offer the greatest benefits to the Family Division. These recommendations should be acted upon as soon as circumstances allow. The short-term recommendations face relatively few barriers and can be undertaken immediately. Mid-Term recommendations will require more work but can still be accomplished in a reasonable time frame. The long-term recommendations will require substantial funding and will require a longer implementation period than the other two categories. The following section includes summary table for each class of recommendations. The tables provide an estimated timeframe for implementation. They will also outline each specific issue and the corresponding recommended solution. Under each table, the recommendations will be explained in further detail.

CRITICAL RECOMMENDATIONS
(Immediate)

Issue		Recommendation
C1	Family Division Judges regularly manage nearly 600 active cases a month not including contempt actions. Their caseloads are overly burdensome.	<ul style="list-style-type: none"> • Increase the number of judges in the division from 3 to 4 to reduce the number of cases each chamber handles
C2	The Family Division is unable to provide early resolutions opportunities for families and does not have sufficient resources to provide early hearings and implementation of a standardized process across judges.	<ul style="list-style-type: none"> • Assign 3-4 full time judicial officers to the Family Division • Assign 3 case managers permanently to the Family Division to manage the judicial calendars • Existing case managers should manage the Judge’s calendars and staff attorneys can assist them with research and writing orders to increase efficiency

C1. INCREASE THE NUMBER OF JUDGES.

All three Family Division judges nearly 600 active, pending cases a month, plus contempt actions. Current workloads of the judges are too large to be handled effectively, even with the addition of the judicial officers who spend approximately 30 minutes per case. At this rate, achieving 100 percent clearance rate is extremely difficult. The addition of a fourth judge would alleviate the excessive workloads and allow for an increase in clearance rates and judicial efficacy. An additional Judge would ensure that Family Division Judges are able to provide hearings and final trials in a timely fashion and would decrease the length of time that a family finds itself embroiled in the Court process. With the addition of a new Judge, court services such as social services coordination, guardian ad litem and custody evaluators can be assigned earlier in the process to assist the Court in its evaluation and to move the case to speedier resolution.

C2. PERMANENT JUDICIAL OFFICERS & CASE MANAGERS

Currently, each judge in the Family Division has budgeted 144 days per year for Judicial Officers. This equates to 3 days per week for 21 weeks. Judicial Officers are scheduled 3 days per week and have full-day calendars with approximately 40 cases per day. All of the judicial officers are part-time. The Task Force recommends hiring 3 full-time judicial officers for Family Division cases and one full-time judicial officer for domestic violence and child support cases. The Superior Court should place funds in the Juvenile Court budget for the appointment of 4 full-time juvenile court judges with a memorandum of understanding that these four juvenile court judges will serve the Superior Court of Fulton County in the Family Division. Ensuring adequate coverage by judicial officers will open up the ability to conduct early resolution meetings designed to assist parties to consider the merits of their cases and possible solutions at the beginning to middle of the case. Judicial officers will be able to handle discovery hearings and temporary hearings for the Family Division Judges. Making judicial officers more available to the Family Division will assist in reducing the average length of time a family is involved in the litigation process by decreasing the number of cases they sit

on in a day (40) and allowing the judicial officer to devote additional time and thought to resolving interim conflicts.

The Task Force also recommends that 3 case managers be assigned to the Family Division on a permanent basis to manage the calendars of the judicial officers instead of assigning case managers to the individual judge. If a fourth judge were appointed, a fourth permanent case manager may be needed. Under the present system, the case managers in each Family Division Judges chambers only manage the judicial officer's calendars. As a result, the staff attorneys are overloaded in managing the judge's calendars in addition to their other research and legal work. When the Judges leave the division, their staff takes all of the institutional knowledge of the cases and family law with them and the new case managers must be trained. The Task Force recommends making case managers permanent Family Division employees instead of rotating out with judges. This will allow them to accumulate valuable organizational knowledge and facilitate continuity in the process. This will address one of the most pronounced concerns voiced in the survey of the Bar related to inconsistency in practice and process leading to unpredictable results in scheduling of all matters and the handling of emergencies facing families involved in family law litigation.

SHORT-TERM RECOMMENDATIONS
(Less than 1 Year)

1.1	Division website provides insufficient information to the public	<ul style="list-style-type: none">• Improve the website to include a variety of additional resources.
1.2	Information regarding the Families in Transition program could be improved.	<ul style="list-style-type: none">• Publish relevant Family in Transition information to the revamped website.
1.3	The Family Division lacks a method to track contempt cases	<ul style="list-style-type: none">• Flag instances of contempt within cases.

1.4	There is a lack of uniformity within the division	<ul style="list-style-type: none">• Standardize process for requesting hearings, continuances, trial calendars and all processes in each chamber.• Develop an Operating Procedures Manual and Bench Book.
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1.1 WEBSITE IMPROVEMENTS

The Family Division website is the court's main primary point of contact with the general public. It is vitally important that the website contains as much useful information as possible. The following additions would make the Family Division website more informative and user-friendly:

- Videos
- Concise, Plain English Forms
- Availability of Services (internal and external)
- Accessibility Information
- Calendar of Events
- Easily Located Contact Info (including judges staff)
- Easily Located Docket Search
- Easily Located Information about fees

1.2 FAMILY IN TRANSITION RESOURCES

The Family Division should continue to order all parties with children attend the Family in Transition (FIT) Seminar; however compliance with this requirement should be better monitored and enforced. In addition, the Task Force recommends that an informational session of approximately 15 minutes be added to the seminar to explain the process to give litigants a better overall understanding of what they can expect during the course of their case. Recommendations include addition of online interactive FIT Program as well as the continuation of the on-site FIT Program.

1.3 FLAGGING CONTEMPT

Instances of contempt can cause substantial delays in case processing, but such instances currently go untracked. By flagging contempt within cases, the Family Division can create a more accurate representation of its workload.

1.4 UNIFORMITY IN THE FAMILY DIVISION

Currently, the process for requesting hearings, requesting continuances and the management of the trial calendars are different for each chamber, and for every new Judge rotating into the Family Division. The Task Force recommends standardizing all forms and procedures and creating a bench book to serve as a blueprint for the new judges rotating into the Family Division. This would create predictability and larger compliance with the local rules.

MID-TERM RECOMMENDATIONS (ONE –THREE YEARS)

	Issue	Recommendation
2.1	The Family Division lacks a way to accurately assess its strengths and weaknesses on an ongoing basis.	<ul style="list-style-type: none">• Produce and publish a performance evaluation every 18 months.
2.2	The current 18-month term for judges in the division is not long enough to effectuate and maintain positive change.	<ul style="list-style-type: none">• Increase terms to 24 months, with the option to renew for another 24-month term. Total service in the family division will not exceed 48 months.
2.3	Current management of cases practices do not allow for the most efficient use of time and resources.	<ul style="list-style-type: none">• Adopt Differential Case Management Plan.• Create Case Management Orders for all tracks.
2.4	Alternative Dispute Resolution should be used at more stages during cases	<ul style="list-style-type: none">• Expand use of Layered Alternative Dispute Resolution at different stages in the process

2.5	Family Division rules no longer provide the best framework for the court to operate within.	<p>Change or modify the following rules, statements or policies:</p> <ul style="list-style-type: none"> • Mission Statement • Judicial Succession Policy • Entry of Appearance acknowledging local rules • Clarity regarding the role of the Judicial Officers • Modification of standing order
2.6	Social Service Coordinators are not be used efficiently.	<ul style="list-style-type: none"> • Improve training and modify work roles for Social Service Coordinators.
2.7	The unique challenges faced by the Family Division require special training.	<ul style="list-style-type: none"> • Increase training for judges, judicial officers and staff.
2.8	The Family Division is unable to capture several important performance measures.	<ul style="list-style-type: none"> • Develop capacity for improved data collection to track important metrics.
2.9	Current staffing does not meet the full needs of the Family Division	<ul style="list-style-type: none"> • Hire a staff attorney with an expertise in family law • Contract to have accessible psychological services.
2.10	Insufficient resources and information provided by current FLIC center	<ul style="list-style-type: none"> • Improve Family Law Information Center with increased services

2.1 PROGRAM EVALUATION

The Task Force recommends that the Family Division conduct a program evaluation by regular and routine surveys to gain continual feedback on the overall performance of the Family Division and to assess the knowledge, skills and abilities of all Family Division employees, judges, judicial officers, and their staff. Survey results will be used by the judges of the Family Division to determine retention of staff, identify areas of improvement and address obstacles limiting the Division’s ability to implement its mission. The results of the survey will be distributed to the members of the Metro Bar Association and then published to the general public.

The Metro Bar Association includes:

- o Atlanta Bar Association, Family Law Section

- Gate City Bar Association
- Georgia Association for Women Lawyers
- Georgia Association of Black Women Attorneys
- Georgia Hispanic Bar Association
- North Fulton Bar Association
- Sandy Springs Bar Association
- South Asian Bar Association
- South Fulton Bar Association
- Stonewall Bar Association
- Other Jurisdictional Bar Associations bordering Fulton County

2.2 INCREASE JUDICIAL SERVICE TERM

According to the National Center for State Courts, the minimum recommended term length for a judge is no less than 2 years. Under current standards, Family Division judges do not have enough time to effectively establish goals and undertake desired objectives. Increasing the service terms will allow the judges to build the foundations and relationships necessary for positive change.

2.3 CASE MANAGEMENT CHANGES

Family Division cases are highly varied but have been largely subject to a one-size-fits-all approach to case management. Differential Case Management allows for a tailored approach to domestic relations cases. Under this system, several tracks will be created based on complexity and the time required resolving cases. Please see Appendix B for the outline and flow chart of the Case Tracks. A standard operating procedural manual for the Family Division (inclusive of Judges' chambers) is also needed.

2.4 LAYERED ALTERNATIVE DISPUTE RESOLUTION

Alternative Dispute Resolution (ADR) provides a cost effective-option to dispose of cases. ADR also allows for litigants to maintain a greater vestment in the case's proceedings. Using a layered ADR approach would allow the Family Division to offer ADR options throughout the

entirety of a case thereby increasing litigants' access to justice, reducing delay, and generally making more options available through which disputes can be resolved.

- Early Case/Early Neutral Evaluation
- Mediation
- Late Case Evaluation
- Expanded Judicially Hosted Settlement Conference

2.5 RULE REVISIONS

Many court rules have remained substantially unchanged since the court's inception in 1998. The Task Force recommends that these rules be amended to better reflect the current status of the Family Division and Fulton County as a whole. Below are the suggested changes.

- The new Mission Statement shall read: "The Fulton County Family Division provides user-friendly courts and services sensitive to the needs of the families and children we serve. We are committed to delivering impartial and timely justice, protection and assistance to the citizens of our community through knowledgeable and skilled judges and staff and a fair, innovative, courteous, respectful, professional and efficient forum to resolve family matters."
- Change the Entry of Appearance to include language specific for the requirements of attorneys to practice in Fulton County. Attorneys appearing in Fulton County would certify that they have familiarized themselves with the local rules and procedures. By changing the entry of appearance to include a statement of certification in being aware of our unique local rules, the attorneys are then representing that they have the prerequisite experience to practice in Fulton County. *Please see Appendix C.*
- Modify the rule pertaining to the Judicial Officers to clarify the scope of their authority and strengthen the ability of litigants and their counsel to get discovery and temporary issues addressed. *Please see Appendix D for the full new rule 1000.4.*
- Modify the Standing Order to address issues that are not currently addressed such as payment of household expenses and removal of children from the jurisdiction.

2.6 SOCIAL SERVICE COORDINATORS

Currently, one Social Service Coordinator (SSCs) is assigned to each Judge; however, they each have different strengths and experiences. The Task Force recommends a team-based approach instead of SSC's being assigned to individual judges. The Task Force further recommends that at least one SSC be present on-site at all times. The Family Division should invest in increased training for SSCs. At a minimum, the new training should cover the following areas:

- Substance Abuse
- Domestic Violence
- Mental Health Issues
- Child Abuse
- Co-Parenting
- Guardian Ad Litem procedures (i.e. AVLFGAL training)
- Supervised visitation

SSCs should also be cross-trained in order to gain a comprehensive understanding of the needs of the court and their roles within it. This training should be available and would be beneficial to all Family Division employees.

2.7 JUDGE, JUDICIAL OFFICER AND STAFF TRAINING

For all Judges rotating into the Family Division and for all Judicial Officers and staff working in the Family Division, training should consist of the following components

- Internal Family Division Procedural Information
- Substantive Family Law
- Resources (both internal and external)
- Poverty Issues
- Cultural Diversity

All staff should receive training in the following areas.

- Domestic Violence

- o Poverty
- o Cultural Sensitivity
- o Mental Health
- o Resources

2.8 DATA COLLECTION

The Family Division collect data pertaining to self-represented litigants, limited English proficiency litigants, new contempt actions filed and other detailed case information that will help gauge case complexity, management and corresponding clearance rates.

2.9 STAFFING

The Task Force recommends that the Family Division reinstate the following positions to their staff.

- o The staff attorney position would be responsible for the creation and maintenance of forms as well assistance with orders for the Family Division.
- o The Family Division should obtain the services of a contract physiologist for the purpose of conducting court-ordered evaluations.

2.10 FAMILY LAW INFORMATION CENTER

Two full time staff attorneys who specialize in family law would staff this center. Additional staff would include trained paralegals.

LONG TERM RECOMMENDATIONS (Over 3 years)

	Issue	Recommendation
3.1	The Family Division needs a center to facilitate supervised visitation	<ul style="list-style-type: none">• Create supervised visitation center
3.3	The Family Division is spread across the Superior Court offices between multiple floors and different buildings	<ul style="list-style-type: none">• Designate or create a Family Division Building/Wing

3.1 FACILITATED VISITATION CENTER

The Family Division should collaborate with non-profit organizations to implement facilitated supervised visitation services for use in court cases

3.3 FAMILY DIVISION WING BUILDING

All Family Division judges and services should be located in close proximity to allow for ease of access to litigants and collaboration among all chambers and staff.

CONCLUSION

Analysis of both caseload data and opinion surveys produces complimentary findings. The Fulton County Family Division is comprised of driven and motivated individuals who actively seek to provide the best possible service. Unfortunately, large caseloads and other pervasive issues create barriers. The recommendations found within this report are all targeted at addressing and removing those barriers. By using these recommendations, the Family Division would have multiple ways to better handle cases.

The introduction of programs such as differentiated case management and layered alternative dispute resolution will increase the efficiency of case processing from the onset while also providing citizens with more desirable outcomes. Adding a judge along with increasing the number of full-time judicial officers and staff will greatly help with confronting the caseload backlog. Finally, the improvements to informational resources along with the long-term goals of additional services will provide education to the public and guidance to pro se litigants. Together, these recommendations would provide the Family Division with multiple ways to frontload their service of cases and litigants thereby decreasing delays, easing workload burdens, and improving the public's overall satisfaction with the Family Division.

APPENDIX

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Appendix A

A Family Law Case Study

This case study is being advanced in an effort to distinguish managing one case in the Family Division as compared to a managing civil, business and criminal caseload. In essence, one case can result in an unusually high number of hearings and hearing time, which expands the time in which the case can be resolved.

Dad, a self-employed small business owner, files for divorce. He and work-from-home Mom have 2 children: Bouncy Baby and Troubled Teenager.

Mom is clueless about the finances, and discovery is a nightmare because Dad is self-employed, has co-mingled the business and personal finances and has hidden marital assets. Mom files 3 motions to compel discovery during the case in different phases as she receives and review additional information. An assigned Judicial Officer hears the first 2 discovery dispute hearings. The Superior Court Judge hears the 3rd.

Dad wants custody because he says Mom is addicted to prescription drugs, Bouncy Baby has special needs and Mom cannot handle Troubled Teenager. Dad files 3 motions: one to have Mom drug tested, one for her to undergo a psychological evaluation, and one to appoint a custody evaluator.

Mom says, now that I have discovery, we need to hire a business evaluator or financial expert to value the business because the books are a mess. Mom files a motion to appoint a business evaluator. The parties cannot agree on a person and both hire their own business evaluators. Dad files a 1000-4 the day of the business valuation appointment hearing, insisting the Judicial Officer is not qualified to make any decisions about his business, or his family. Now, the hearing has to be rescheduled and no substantive decisions can be made.

Things get so bad in the house that the parents start fighting. Mom files an emergency motion for a temporary hearing and requests exclusive use and possession of the marital residence and temporary alimony. The parties attend mediation and agree that Dad will move out and pay financial support. Dad pays the first 2 months, and then stops paying. Mom files a motion for contempt. Hearing is scheduled. Mom's attorney has a last minute conflict. Hearing is rescheduled. Judge is out. Hearing is rescheduled. Everyone makes it to court and the Judge rules on who keeps the house and has temporary custody of the kids.

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Troubled Teenager starts failing in school. Dad says the divorce is stressing him out because Mom is bombarding him with negative, drug induced rants about how horrible of a person Dad is. Mom says Teenager has ADHD and Dad, who has temporary custody of him, works too much to help him with his homework. Mom files a motion for appointment of a GAL to research the issue. Dad amends his divorce complaint to request primary custody of both kids on a permanent basis.

Troubled Teenager runs away. Dad requests an emergency hearing, thinking Mom is hiding him out. Court schedules emergency hearing. Dad insists it be reset for the court to interview Troubled Teenager, who has surfaced at time of hearing. Court denies Dad's motion. Dad thinks Judge hates him and files a jury demand because there's no way the Judge will rule fairly on any issues in this case, especially the financial issues.

At last, two years have passed. All discovery has been exchanged. The GAL, custody evaluator and both business evaluators have completed their reports. The Court schedules a 4 day jury trial after much back and forth regarding the attorneys, custody evaluator, GAL and business valuator experts' conflicts.

Trial ends. Final order is entered. Mom files a Motion for Reconsideration because she wants alimony for more than 3 years. Dad files Motion for New Trial because he still wants permanent custody of Teenager and Baby, not just Teenager. A mandatory hearing is scheduled on the Motion for New Trial. Another order is issued.

Mom and Dad file competing motions for the other to pay their attorney's fees. Another mandatory hearing is scheduled.

While this case and many others like it are in the queue, because the judges are managing over 600 individual cases, the number of telephone calls and office traffic (e.g. pro se people trying to figure out how to get their children back) and difficulty of scheduling, the Judge's staff attorney spends all of his time addressing these issues and managing the Judge's calendars. The case managers spend all of their time managing the judicial officers' calendars. The Judge is stuck reading, researching and writing orders on all of the motions outlined above, in between all of the hearings above. Justice is delayed.

Now months after the "final trial," Troubled Teenager decides he wants to move back with Mom. Mom is thrilled, filed a motion for modification of custody and gets him to file an affidavit of election. The process begins again.

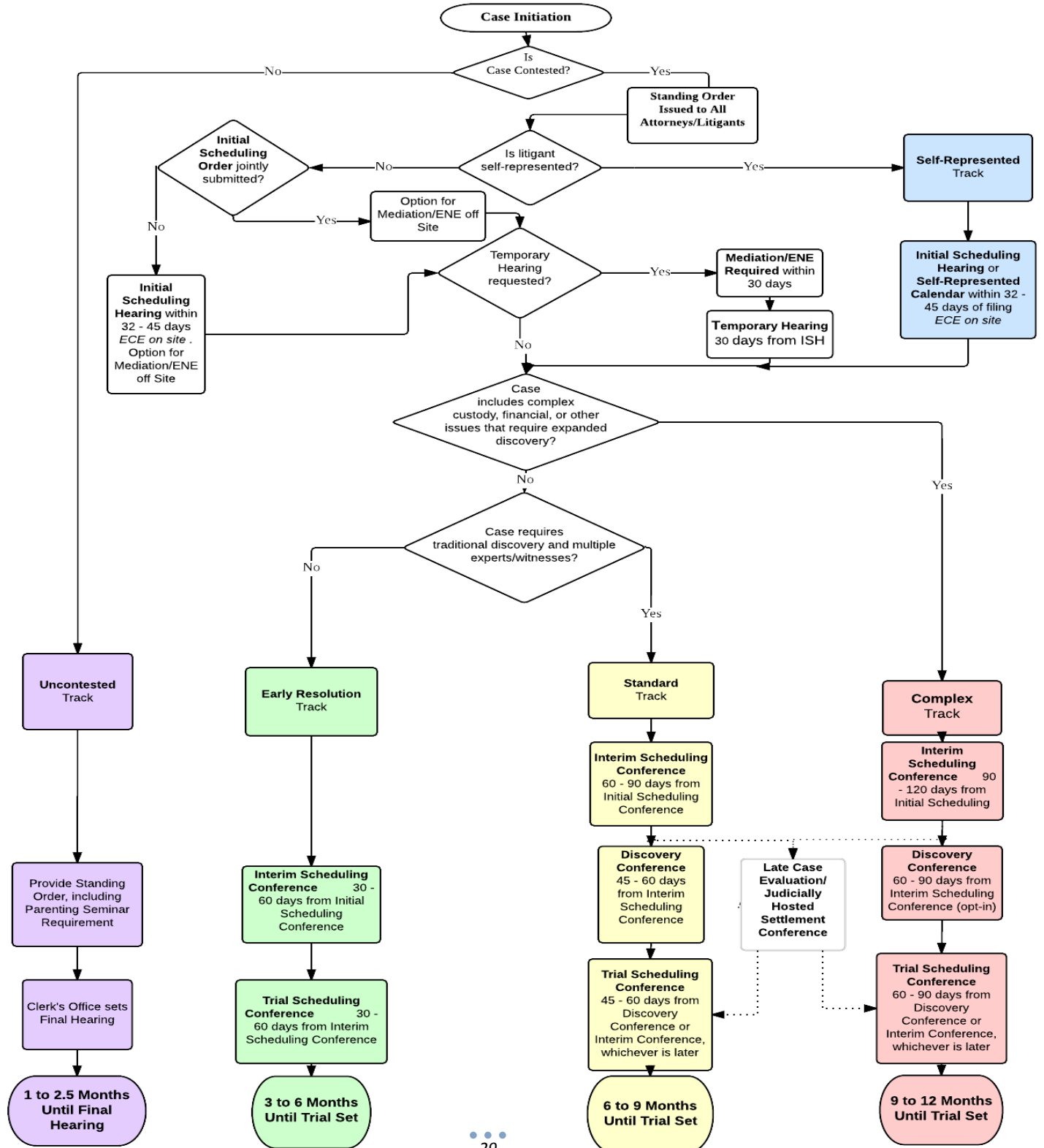
In summary, this "one case" has involved (as often happens) multiple motions hearings, contempt hearings, emergency hearings, expert appointment hearings, discovery hearings, a four-day jury trial and two

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post-trial hearings. As demonstrated, one case number in no way captures the work that must be done to resolve the daily issues that arise in family law cases.

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Appendix B (Case Management Flow Chart)



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Appendix C

(Revised Entry of Appearance)

The Entry of Appearance will now read, “As an attorney entering an appearance in the Family Division of the Superior Court of Fulton County, I have attended at least one seminar which has been authorized by this Court as a sufficient informational seminar or viewed at least one authorized reproduction of the same or have read the entire materials from such a seminar. I further am familiar with and shall abide by the rules of the Family Division as promulgated by this Court. I understand that these requirements apply to all domestic civil actions (as defined by O.C.G.A. §19-1-1) that are assigned to the Family Division of the Superior Court of Fulton County and are required by the Standing Order of Fulton County. “

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Appendix D

1000.4 AUTHORITY OF THE JUDICIAL OFFICER

- 1) The Judicial Officer shall maintain concurrent jurisdiction with the assigned Family Division Judge and ***shall*** be charged with the responsibility of ruling and presiding over the following matters/issues:
 - a. Status Conferences
 - b. Scheduling Conferences
 - c. Discovery disputes specific to the Fulton County Family Division mandatory discovery
 - d. Venue disputes
 - e. The appointment of Social Services coordinators
 - f. The entry of Alternative Dispute Resolution Orders
 - g. Drug and Alcohol Testing
 - h. DNA Paternity Testing
 - i. Interim Guardian Ad Litem fee awards
 - j. Issues pertaining to the validity of service of process
 - k. The entry of Legitimation Orders (provided that the Mother has consented to legitimation)
 - l. The entry of Publication Orders
 - m. The entry of Final Orders/Judgments on all matters that are uncontested (to include Divorce by Publication, the entry of Consent Orders, the entry of Orders arising from Motion for Judgments on the Pleadings)

- 2) ***If*** a written request for the assigned Family Division Judge to preside over a case ***is not filed at least five (5) business days prior to the scheduled hearing or at least five (5) business days prior to the date a matter shall be ripe for a ruling or adjudication***, the Judicial Officer shall have the authority to rule and preside over the following matters/issues:
 - a. Interim and Temporary hearings on the following issues: Support (“support” shall include, but shall not be limited to child support, the cost of private primary and secondary school education and Alimony), Custody, Legitimation cases where the Mother has not consented to legitimation, Paternity, the temporary use and possession of property, the maintenance of health insurance, the division of out of pocket medical expenses, and the servicing of debt

- b. Complex (non venue) jurisdictional issues (to include but not to be limited to UCCJEA and residency disputes)
 - c. The entry of Guardian ad Litem, Custody and/or Psychological Evaluation Orders
 - d. All discovery issues that do not arise out of the Fulton Family Division mandatory discovery rules
 - e. The award of attorney's fees
 - f. Contempt matters
 - g. Pretrial motions on issues not specifically assigned to the Judicial Officer in section "(1)" of Rule 1000.4
- 3) Objections to the Judicial Officer making determinations or presiding over those matters/issues identified in section "(2)" of Rule 1000.4 shall be served on all parties or on their attorneys of record **and** on the chambers of the Judge assigned to the matter at least five (5) business days prior to the scheduled hearing or at least five (5) business days prior to the date a matter shall be ripe for a ruling or adjudication
 - 4) In post judgment contempt motions a new objection to the Judicial Officer presiding over the matter shall be filed at least five (5) business days prior to the scheduled hearing and shall be served on all parties or on their attorneys of record **and** on the chambers of the Judge assigned to the matter at least five (5) business days prior to the scheduled hearing
 - 5) If during any conference or hearing on any subject matter that is not specifically addressed in Rule 1000.4, then the Judicial Officer shall have concurrent authority with the elected Judge to rule on said issues.
 - 6) Once a Judicial Officer renders a ruling on a motion or particular subject matter, all subsequent motions applicable to the Judicial Officer's ruling, including motions for reconsideration, motions for new trial, request for certificate of immediate review, and /or motions for attorney's fees shall be directed to the Judicial Officer who ruled on the original subject matter.
 - 7) If one or both of the parties file a Rule 1000.4 request pursuant to section "(3)" of Rule 1000.4 **and** if both parties provide written consent on the issues in which the parties agree the Judicial Officer shall rule, then Judicial Officer shall have the authority to rule on those designated issues at any conference or hearing that would normally be reserved for the elected Judge.