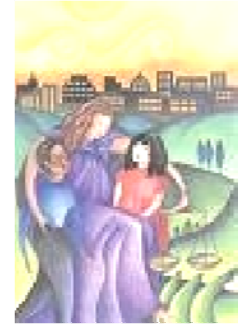




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UNIFIED FAMILY COURT PRESENTATION: FAMILY IMPACT SEMINAR SALT LAKE CITY, UTAH

JANUARY 31, 2011

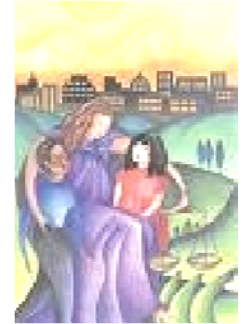
WHAT IS A UNIFIED FAMILY COURT (UFC)?

*Professor Barbara A. Babb, Associate Professor of Law and Director
Center for Families, Children and the Courts, University of Baltimore School of Law*



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TODAY'S FAMILIES—DEMOGRAPHIC TRENDS IN THE UNITED STATES (1990-2006)

13.5% increase in marriage

51% increase in divorce

27.2% increase in female-headed households with children

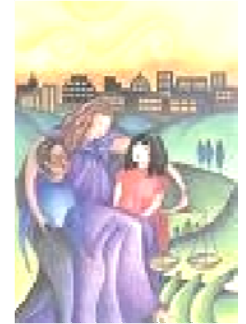
32.4% increase in one parent families with children



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TODAY'S FAMILIES-DEMOGRAPHIC TRENDS IN THE UNITED STATES (1990-2006)

For 2006, 3% increase in overall birth rate (largest since 1989)

For 2006, 7% increase in births to unmarried mothers (largest since 1971)

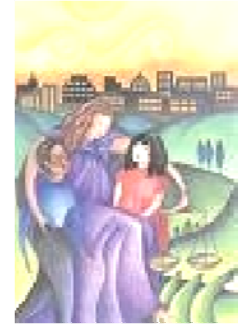


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FAMILY LAW LITIGANTS BY THE NUMBERS (% relative to entire trial court caseload)

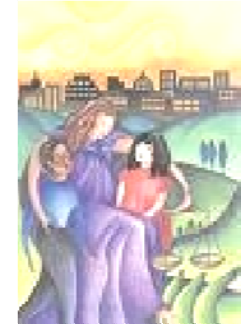
Maryland = 46%

Nebraska = 58%

Nevada = 49%

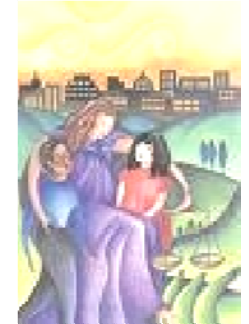
New Jersey = 41%

Utah = ?



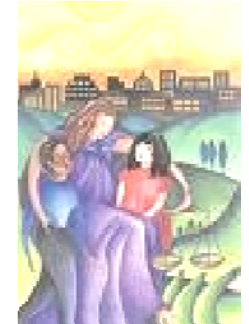
UNIFIED FAMILY COURT

- ◆ **Single court system**
- ◆ **Comprehensive subject matter jurisdiction**
- ◆ **Specially trained / interested judges**
- ◆ **Address legal, social, emotional issues - holistic treatment**



UNIFIED FAMILY COURT - CONT'D.

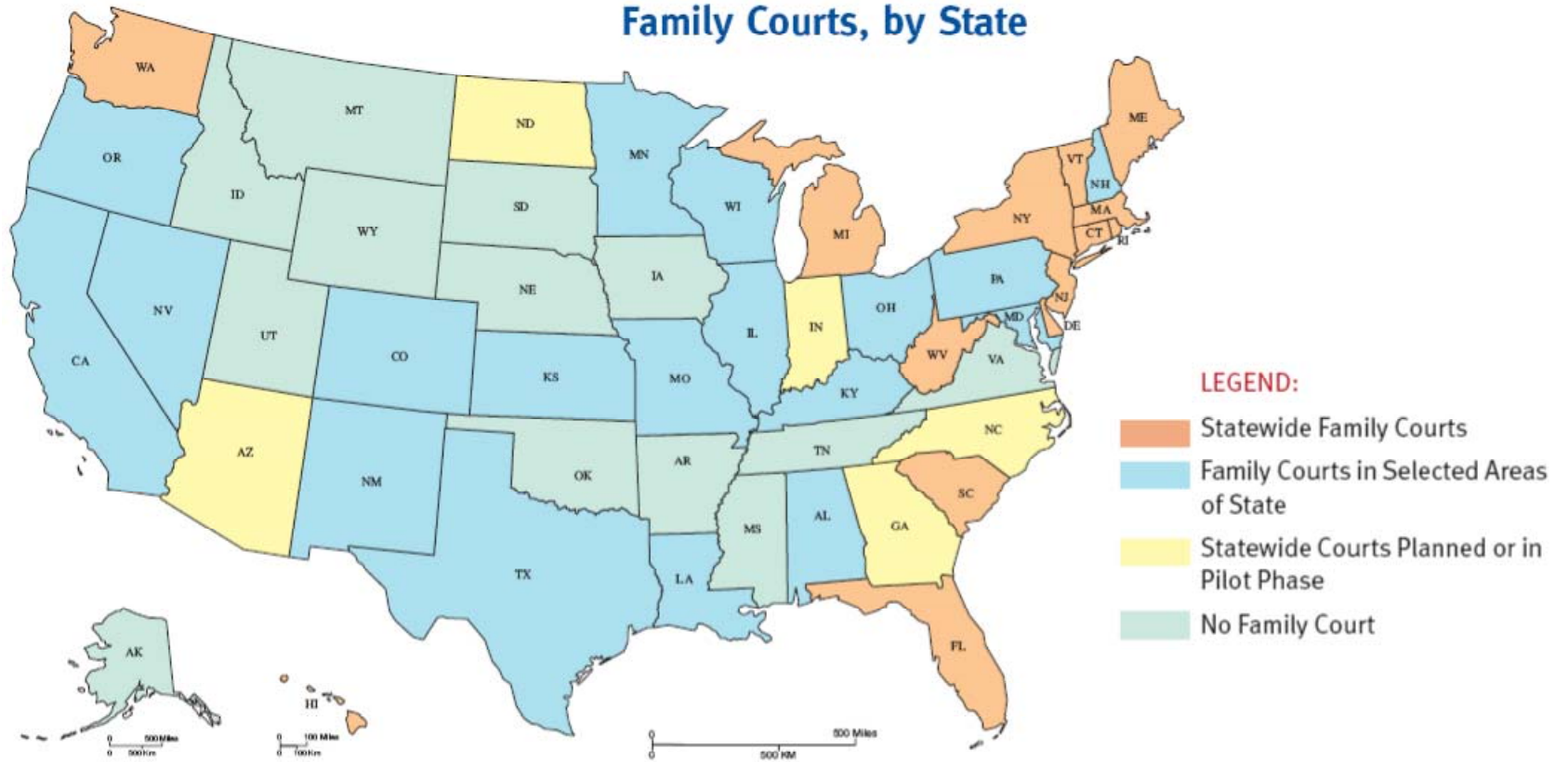
- ◆ Informal court processes / social services / resources
- ◆ Comprehensive resolution
- ◆ Tailored to individual family's legal, personal, emotional, social needs



UNIFIED FAMILY COURT - CONT'D.

- ◆ One family / one judge or one case / one judge or one family / one team
- ◆ Efficiency, compassion

Family Courts, by State



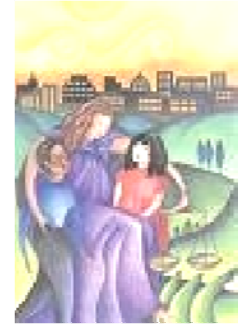
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WHERE WE STAND—OVERVIEW OF U.S. FAMILY JUSTICE SYSTEMS AS OF 2008 SURVEY

15 states have fully operational statewide family courts.

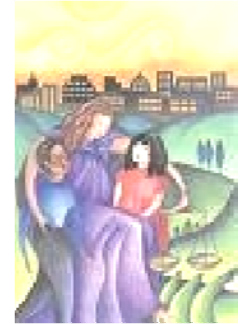
- **Connecticut, Delaware, District of Columbia, Florida, Hawaii, Maine, Massachusetts, Michigan, New Jersey, New York, Rhode Island, South Carolina, Vermont, Washington, West Virginia**



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WHERE WE STAND—OVERVIEW OF U.S. FAMILY JUSTICE SYSTEMS - CONT'D.

**18 states have family courts in selected areas
of the state.**

- Alabama, California, Colorado, Illinois, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Missouri, Nevada, New Hampshire, New Mexico, Ohio, Oregon, Pennsylvania, Texas, Wisconsin

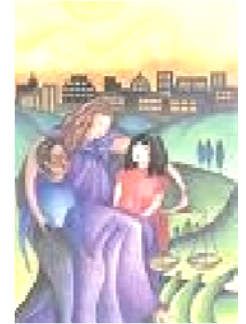


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WHERE WE STAND—OVERVIEW OF U.S. FAMILY JUSTICE SYSTEMS - CONT'D.

5 states have pilot or planned family courts.

- **Arizona, Georgia, Indiana, North Carolina, North Dakota**

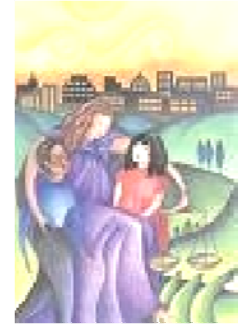


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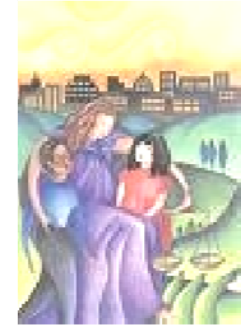
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WHERE WE STAND—OVERVIEW OF U.S. FAMILY JUSTICE SYSTEMS - CONT'D.

13 states have no specialized system to handle family legal issues.

- Alaska, Arkansas, Idaho, Iowa, Mississippi, Montana, Nebraska, Oklahoma, South Dakota, Tennessee, Utah, Virginia, Wyoming

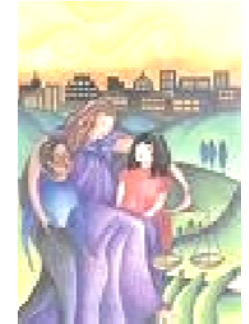


BLUEPRINT TO ESTABLISH A UNIFIED FAMILY COURT

Court structure

- specialized separate court**
- division / department of existing court**
- specialized judges**

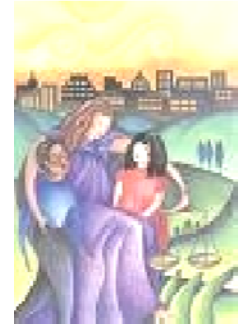
Comprehensive subject matter jurisdiction



BLUEPRINT TO ESTABLISH A UNIFIED FAMILY COURT - CONT'D.

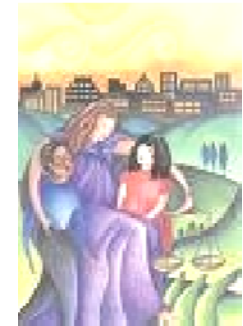
**Specialized case management / case processing
system**

- early and hand-on case processing**
- link families with needed services**
- ongoing process**



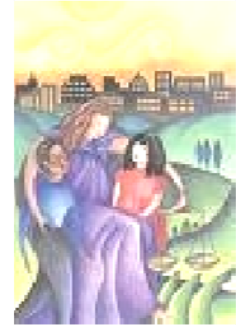
BLUEPRINT TO ESTABLISH A UNIFIED FAMILY COURT - CONT'D.

- one judge / one case**
- one judge / one family**
- one team / one family**



BLUEPRINT TO ESTABLISH A UNIFIED FAMILY COURT - CONT'D.

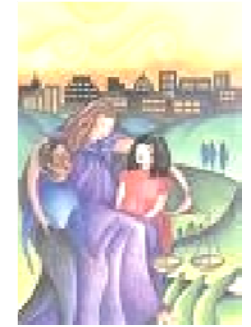
- greater sense of responsibility to families**
- fashioning more effective legal outcomes**
- requires high degree of court administration organization**



BLUEPRINT TO ESTABLISH A UNIFIED FAMILY COURT - CONT'D.

Services

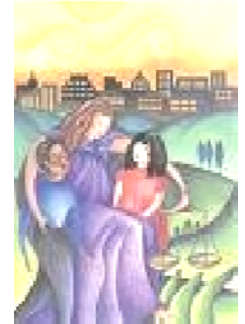
- court supplied
- court connected
- determine essential services for client population
- fosters community involvement with court
- earliest possible delivery of service



BLUEPRINT TO ESTABLISH A UNIFIED FAMILY COURT - CONT'D.

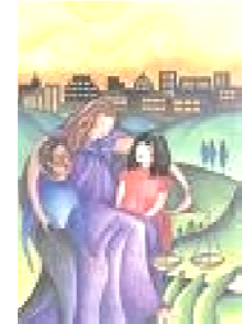
User friendly court

- accessible to all litigants**
- accommodating litigants in most therapeutic way possible**



“How deeply into the domestic realm can or should government go when it intervenes in the lives of families and children? Conversely, what is government’s duty to families and children who are in legal and social distress? These political and philosophical questions still bedevil public officials in America today. Yet when society chooses to intervene, it must be done well and there must be accountability.”

Michael A. Town, *The Unified Family Court: Therapeutic Justice for Families and Children 1* (Mar. 11, 1994) (transcript available in Chicago Bar Association Building).

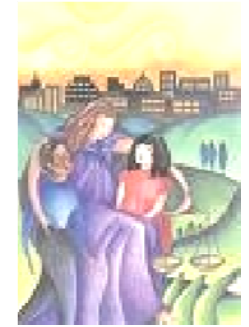


THERAPEUTIC JURISPRUDENCE

Studies role of law as a therapeutic agent

Law as a social force that can produce

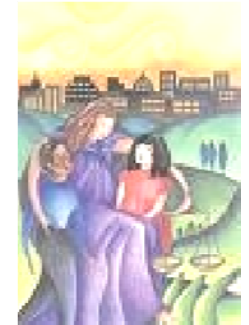
- therapeutic consequences
- anti-therapeutic consequences



THERAPEUTIC JURISPRUDENCE - CONT'D.

Consequences flow from

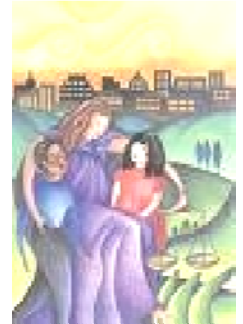
- substantive rules / law
- behavior of legal actors



THERAPEUTIC JURISPRUDENCE - CONT'D.

Task: Identify and examine empirically relationships between

- legal arrangements**
- therapeutic outcomes**



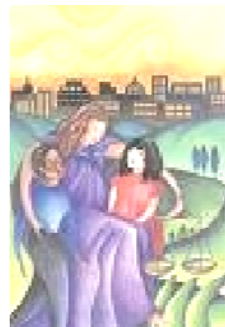
TJ IS INDIVIDUALIZED

- Therapeutic outcome determined by individual's own viewpoint
- Courts must identify, assess, and attempt to honor

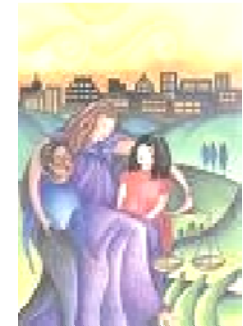


TJ DOES NOT TRUMP OTHER CONSIDERATIONS

(i.e. community safety, due process, rule of law)

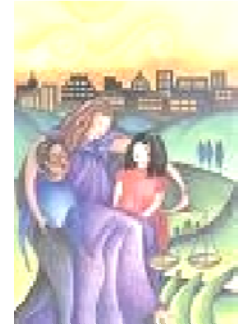


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CONSEQUENCES OF ADOPTING A THERAPEUTIC APPROACH

- Empower individuals by allowing them to learn self-determining behavior
- Empower judges by allowing them to be creative and consider alternatives
- Protect families and children from present/future harms
- Decrease emotional turmoil



CONSEQUENCES OF ADOPTING A THERAPEUTIC APPROACH - CONT'D.

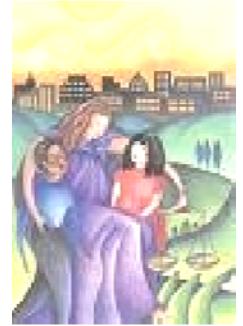
- **Promote family harmony or preservation**
- **Encourage a therapeutic role for all court personnel**
- **Provide individualized and efficient, effective justice based upon parties' needs as opposed to legal rights**



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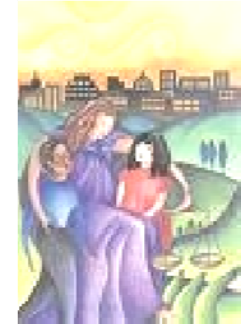


THE ECOLOGY OF HUMAN DEVELOPMENT

Microsystem: Situations in which child has contact with influential others

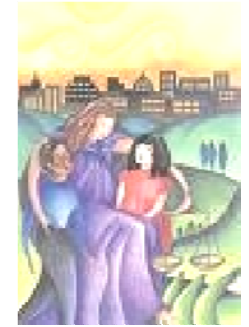
Mesosystem: Relationships and connections between microsystems

Exosystem: Settings in which child does not participate but in which significant decisions are made affecting child adults



THE ECOLOGY OF HUMAN DEVELOPMENT - CONT'D.

Macrosystem: “Blueprints” for defining and organizing institutional life of society



“Ultimately, as Justice Felix Frankfurter reminded us, the authority of the court is a moral one, rooted in fundamental shared values and the good character of its officers. And, ultimately, that authority rests on our ability as judges to live up to those values, to meet the reasonable expectations of litigants and the public, to put a human face on who we are, what we do, and how we do it, to show that we care about the people affected by our processes and decisions—in short, to demonstrate that we are worthy of the public’s trust.”

Judge Roger K. Warren, *Public Trust and Procedural Justice*, 37 CT REV. 12, 16 (2000).