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# Reevaluating Where We Stand: A Comprehensive Survey of America's Family Justice Systems

Barbara A. Babb

*University of Baltimore School of Law*, [bbabb@ubalt.edu](mailto:bbabb@ubalt.edu)

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# REEVALUATING WHERE WE STAND: A COMPREHENSIVE SURVEY OF AMERICA'S FAMILY JUSTICE SYSTEMS

Barbara A. Babb<sup>1</sup>

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The call for court reform remains critical in the face of the growing complexity of burgeoning family law cases nationwide. Many states have restructured their court systems using the unified family court model, resolving legal, personal, emotional, and social disputes with the aim of improving the well-being of families and children. Other states utilize the traditional approach, resulting in cases being handled in a fragmented, time-consuming and expensive manner. In this article, Professor Barbara A. Babb presents the results of her nationwide survey regarding how each state handles family law matters. The survey is a follow-up to her comprehensive 1998 survey and her 2002 survey update. The results of the recent analysis reveal that a total of thirty-eight states now have either statewide family courts, family courts in selected areas of the state, or pilot or planned family courts, representing seventy-five percent of states. The number of states without a specialized or separate system to handle family law matters has decreased from seventeen states in 1998 to thirteen in 2006. These changes are significant when one considers the complexities involved in court reform. The need for court reform remains an urgent one, as family law cases occupy a significant percentage of court dockets across the country. Families and children deserve a court system where justice is effective and efficient and where their legal, personal, emotional, and social needs are resolved in a therapeutic and holistic manner.

**Keywords:** *unified family courts; court reform in family law; U.S. family justice systems; state family court survey; family court practices*

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Court reform relative to family law matters<sup>2</sup> has risen steadily over the past decade. States have restructured their justice systems to handle increasingly complex family law cases and burgeoning family law caseloads. Many states, however, still process family law cases in a fragmented manner. In these states, families often appear in several courts with overlapping jurisdiction over family legal issues. In turn, the families frequently receive inconsistent orders concerning their family law problems, resulting in an ineffective resolution by the justice system.

An examination of data from a few states demonstrates the significance and impact that family law cases occupy among states' trial court dockets. In Maryland, nearly forty-six percent (127,974) of the 278,511 total filings in the trial court of general jurisdiction involve family and juvenile cases.<sup>3</sup> In New Jersey, these cases account for forty-one percent (437,216) of the state's 1,071,071 total trial court filings.<sup>4</sup> In Nebraska, family law cases amount to fifty-eight percent of the state's total trial court caseload.<sup>5</sup> In Nevada, forty-nine percent of the statewide trial court caseload involves family-related cases.<sup>6</sup>

This article presents a comprehensive overview of the results of my national survey concerning how each state handles family law matters. The survey includes an assessment of the court structure (Appendix A), the subject matter jurisdiction (Appendix B), the term length of judges (Appendix C), and the case assignment method (Appendix D). This survey is a follow-up to my initial survey in 1998<sup>7</sup> and to my first update in 2002.<sup>8</sup>

Correspondence: [bbabb@ubalt.edu](mailto:bbabb@ubalt.edu)

## **OVERVIEW OF FAMILY JUSTICE SYSTEM TRENDS FROM 1998 TO 2006**

According to my latest survey, completed in late 2006, a significant increase in family court programs nationwide has occurred in a relatively short time period. This is particularly noteworthy due to the complexity of the justice system and the challenges involved in court reform.

In 1998, thirty-four states, or sixty-seven percent, had either statewide family courts, family courts in selected areas of the state, or pilot or planned family courts. By 2006, thirty-eight states had either statewide family courts, family courts in selected areas of the state, or pilot or planned family courts, representing seventy-five percent of states. The number of states without a specialized or separate system to handle family law matters decreased from seventeen states in 1998 to thirteen states in 2006.

I published my initial survey in 1998, the same year that the American Bar Association (ABA) convened the first “Summit on Unified Family Courts” in Philadelphia. The conference resulted from eighteen years of support by the ABA for unified family courts (UFCs). In 1980, the ABA committed to the position that each state should create UFCs. In 1993, the ABA recommended the establishment of UFCs in all jurisdictions.<sup>9</sup> Beginning in 1996, the ABA worked for three years with judges, lawyers, and family advocates to develop pilot UFCs in Markham, Illinois; Seattle, Washington; the District of Columbia; Atlanta, Georgia; Baltimore, Maryland; and the territory of Puerto Rico. The ABA’s commitment to UFCs remained steadfast throughout the years. Most recently, in May 2007, the ABA co-hosted a second “Summit on Unified Family Courts” in Baltimore.<sup>10</sup>

## **HOW AMERICA’S COURTS PRESENTLY ADJUDICATE FAMILY LEGAL ISSUES**

The term “family court” is subject to numerous interpretations. The simplest definition of a family court is a separate court, or a separate division of a state court of general jurisdiction, that exercises subject matter jurisdiction<sup>11</sup> over legal issues related to children and families.<sup>12</sup> A family court generally aims to resolve family law issues<sup>13</sup> effectively and efficiently so that the families make the fewest possible court appearances.<sup>14</sup>

I believe that ultimately every jurisdiction should create a statewide UFC. I have written extensively about and advocated for the creation of UFCs,<sup>15</sup> consisting of the following components:

- (a) a specialized court structure that is either a separate court, or a division or department of an existing court, and that is established at the same level and receives the same resources and support as a generalist court;
- (b) comprehensive subject matter jurisdiction over the full range of family law cases, including juvenile delinquency and child welfare;
- (c) a case management and case processing system that includes early and hands-on contact with each family law case;
- (d) a judicial assignment system that results in the family appearing before one judge for the completion of one case or before one case management team for subsequent court appearances;

- (e) an array of court-supplied or court-connected social services to meet litigants' nonlegal needs that contribute to the exacerbation of family law problems; and
- (f) a user-friendly court that is accessible to all family law litigants, including the large volume of self-represented litigants.<sup>16</sup>

In addition to these components, I have advocated that UFCs embrace the notions of therapeutic jurisprudence and an ecological, holistic approach to the family's problems.<sup>17</sup> In that vein, I have advocated that specially trained and interested judges address not only the legal issues, such as divorce, custody, child support, and domestic violence, but also that they consider the family's nonlegal needs, such as substance abuse, mental health issues, or domestic abuse. A therapeutic and ecological UFC model allows for the resolution of legal, personal, emotional, and social disputes with the aim of improving the well-being and functioning of families and children.<sup>18</sup>

This current comprehensive national survey encompasses all forms of family courts—from UFCs embracing a therapeutic and ecological perspective, to courts that are family courts in name only and have no specialized systems in place, to courts operating pilot family courts.

As in 1998 and in 2002, I have conducted this survey to assess court practices and to chart the growth of family courts, however a jurisdiction defines its family court. The results, in Appendices A through D, show how each state's court system currently operates. Appendices E and F show how these family justice systems have evolved from 1998 to 2006.

The methodology to conduct this analysis involved a written survey, telephone interviews, and e-mail exchanges with court personnel in all fifty states and the District of Columbia. Summarizing the results consisted of the following: identifying for each jurisdiction which courts decide family law matters, understanding each system's goals by assessing how comprehensively the system defines family law matters, and determining each system's operation by describing judicial and case assignment methods in use for each jurisdiction.<sup>19</sup>

## **COURT STRUCTURES FOR FAMILY LAW DECISION MAKING**

Nearly seventy-five percent of states have some form of family court. These courts are either statewide family courts, family courts in selected areas of the state, or pilot or planned family courts. The eight-percent increase in the number of states utilizing some type of family court system since 1998 reflects a substantial change, particularly considering the complexities of court reform. For example, even minor changes in court systems often involve judges, court personnel, attorneys, and clients, as well as legislative or court rulemaking input on occasion. As the current survey reveals, justice systems in only thirteen states operate without some form of family court, a decrease from the seventeen states without a family court reflected in the 1998 survey.<sup>20</sup>

Another trend apparent in the eight-year period from 1998 to 2006 was a significant shift among the states in relation to the pervasiveness of family courts within a state. In 1998, only eleven states had a statewide family court.<sup>21</sup> At the end of 2006, fifteen jurisdictions in the United States handled family law matters for the entire jurisdiction within a separate family court or within a separate family division or department of an existing trial court, including the following: Connecticut, Delaware, the District of Columbia, Florida, Hawaii, Maine, Massachusetts, Michigan, New Jersey, New York, Rhode Island, South Dakota,

Vermont, Washington, and West Virginia.<sup>22</sup> Between 1998 and 2006, the four states that implemented statewide family courts were Connecticut, Maine, Michigan, and West Virginia.<sup>23</sup>

As of 2006, eighteen states—Alabama, California, Colorado, Illinois, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Missouri, Nevada, New Hampshire, New Mexico, Ohio, Oregon, Pennsylvania, Texas, and Wisconsin—were managing family law cases within a separate family court or within a separate division or department of an existing trial court only in selected areas of the state.<sup>24</sup> A most significant change occurred in this category between 1998 and 2006, as California, Illinois, Kentucky, Maryland, Minnesota, and New Hampshire implemented family courts in selected areas of these states.<sup>25</sup> California, Illinois, Kentucky, Maryland, and New Hampshire were operating pilot programs in the 1998 survey.<sup>26</sup> On the other hand, two states, Mississippi and Oklahoma, which had operated family courts in selected areas of the state in 1998,<sup>27</sup> were not continuing these courts as of 2006.<sup>28</sup>

The number of states instituting pilot programs to handle family law matters also changed in the last eight years. As mentioned earlier, California, Illinois, Kentucky, Maryland, Minnesota, and New Hampshire operated pilot family court programs in 1998. These states established family court divisions or departments in selected areas of the state by 2006.<sup>29</sup> The state of Virginia, which operated a pilot family court program in 1998,<sup>30</sup> abandoned the family court model due to a lack of legislative funding.<sup>31</sup> In addition, Arizona, Indiana, North Carolina, and North Dakota, all of which had no specialized or separate system to handle family law matters in the 1998 survey,<sup>32</sup> initiated pilot family court programs by 2006.<sup>33</sup>

At the conclusion of the 2006 survey, thirteen states did not have a specialized court system to handle family law issues, a decrease from the seventeen such states in 1998. In 1998, Alaska, Arizona, Arkansas, Connecticut, Idaho, Indiana, Iowa, Minnesota, Montana, Nebraska, North Carolina, North Dakota, South Dakota, Tennessee, Utah, West Virginia, and Wyoming did not have specialized or separate systems to determine family law issues.<sup>34</sup> These states processed their family law cases as part of the general civil trial docket. As of 2006, ten of those states—Alaska, Arkansas, Idaho, Iowa, Montana, Nebraska, South Dakota, Tennessee, Utah, and Wyoming—remained without a specialized family court system.<sup>35</sup> In addition, Virginia, which had a pilot program in 1998,<sup>36</sup> abandoned its family court program.<sup>37</sup> Mississippi and Oklahoma, which had family courts in selected areas of the state in 1998,<sup>38</sup> also eliminated family courts.<sup>39</sup>

## FUNCTIONAL FEATURES OF FAMILY JUSTICE SYSTEMS

### Subject Matter Jurisdiction

Of the thirty-seven states and the District of Columbia that now have some form of family court, twenty-four states and the District of Columbia assign their courts comprehensive subject matter jurisdiction.<sup>40</sup> This empowers the courts to decide a wide range of family legal issues and increases the courts' effectiveness in confronting such issues. These jurisdictions include the District of Columbia, Arizona, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Washington, and Wisconsin.<sup>41</sup>

Four of the thirty-eight jurisdictions with some form of family court, Missouri, New Mexico, New York, and West Virginia,<sup>42</sup> limit subject matter jurisdiction.<sup>43</sup> The remaining

nine states use various means to assign subject matter jurisdiction. These nine states are Alabama, California, Colorado, Connecticut, Illinois, Indiana, Louisiana, Ohio, and Texas.<sup>44</sup>

### **Length of Judges' Terms and Case Assignment Methods**

The length of the term for a judge assigned to a family law docket in the thirty-eight jurisdictions with some form of family court runs the gamut from one year, as in Connecticut, to a life term, as in Massachusetts and New Hampshire.<sup>45</sup> Judges in the majority of these jurisdictions, a total of twenty-four, generally serve in the family court for a term ranging between two and ten years.<sup>46</sup>

The method of assigning cases to judges also varies significantly, according to the 2006 survey. Of the thirty-eight jurisdictions that have some form of family court, twelve jurisdictions employ the "one judge—one family" method to assign cases; these jurisdictions are the District of Columbia, Arizona, Delaware, Georgia, Hawaii, Kentucky, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oregon, and Wisconsin.<sup>47</sup>

Five states currently utilize the "one judge—one case" method to assign family law cases. These states are Alabama, Massachusetts, New Mexico, Rhode Island, and West Virginia.<sup>48</sup> Four other states, including California, Connecticut, South Carolina, and Vermont,<sup>49</sup> employ the traditional calendar assignment for family law cases. The remaining sixteen states use a variety of methods to assign family law cases. These states are Colorado, Florida, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Nevada, New York, Pennsylvania, Texas, and Washington.<sup>50</sup>

## **THE MOVEMENT TO EXPAND THE IMPLEMENTATION OF UFCs**

Family justice system reform continues to gain momentum across the country, with increasing numbers of judges, court personnel, attorneys, and family law experts voicing support for the creation and expansion of UFCs.

At the ABA's 1998 "Summit on Unified Family Courts," representatives from thirty states attended the conference to discuss family justice system reform.<sup>51</sup> The Summit offered attendees information on how to structure, implement, and administer UFCs. After the conference, the ABA appointed a Coordinating Council on Unified Family Courts to oversee its work on family justice system reform.<sup>52</sup>

The commitment to implement and expand UFCs was evident again in May 2007, when the ABA and the University of Baltimore School of Law's Center for Families, Children and the Courts cosponsored the second "Summit on Unified Family Courts" in Baltimore. At the 2007 conference, participants from twenty-five states spent two days intensely focusing on UFCs and the pressing need to address family legal issues in a holistic and therapeutic manner. Through plenary and workshop sessions, the conference covered issues critical to the ongoing development of UFCs, including court services and accountability, standards and measures to assess UFCs, the critical need for judicial leadership and training, ways to establish a UFC, substance abuse and other nonlegal issues within UFCs, collaboration between the justice system and the community, and self-represented litigants. The sessions covered the continuum of UFC development—from those courts at the early stages of development to those courts with well-established UFCs.

## CONCLUSION

The need for court reform remains an urgent one, as family law cases continue to overburden and occupy a significant percentage of court dockets across the country. The percentages represent significant numbers of families who need the help that a UFC can offer. As such, it is critical for states to overhaul outdated and ineffective family justice systems. Many states have addressed these pressing needs by initiating some type of family justice system reform. Many other jurisdictions, however, still have failed to develop measures designed to ensure that their family justice systems are places to comprehensively and effectively resolve the legal and nonlegal problems of families and children.

While reforms in the past eight years in the structure of the nation's family justice systems are noteworthy and compelling, more change is necessary. We as a nation owe our families and children a place where justice is effective and efficient and where their legal, personal, emotional, and social needs are resolved in a therapeutic and holistic manner. Our citizens deserve nothing less.

## NOTES

1. I gratefully acknowledge and am indebted to the following research assistants, who have worked tirelessly and relentlessly, and for whom I have the utmost praise and respect: Georgene Kaleina, who has coordinated the research effort and Christine Buckley, Theresa Hirschmann, and Lisa Y. Shepard. I also am grateful to the University of Baltimore School of Law for the support of this research.

2. Family law matters are defined to include divorce, annulment, and property distribution; child custody and visitation; alimony and child support; paternity, adoption, and termination of parental rights; juvenile cases (juvenile delinquency, child abuse, and child neglect); domestic violence, criminal nonsupport; name change; guardianship of minors and disabled persons; and withholding or withdrawal of life-sustaining medical procedures, involuntary admissions, and emergency evaluations. *See, e.g.*, DEL. CODE ANN. tit. 10, §§ 921-925, 927-928 (2006).

3. MD. JUDICIARY, ANNUAL STATISTICAL ABSTRACT FISCAL YEAR 2006, TABLE CC-1 (2006), [http://www.courts.state.md.us/publications/annualreport/reports/2006/2006\\_annual\\_report.pdf](http://www.courts.state.md.us/publications/annualreport/reports/2006/2006_annual_report.pdf).

4. Telephone Interview with Harry T. Cassidy, Assistant Director, Administrative Office of the Courts, in Trenton, NJ (Sept. 25, 2007).

5. NEB. SUP. CT. ADMIN. OFFICE OF CTS./PROBATION, THE COURTS OF NEBRASKA (2006), <http://supremecourt.ne.gov/community/adminreports/2006caseloadreportAllCourts/dc-caseload-06.pdf>.

6. SUP. CT. OF NEV. ADMIN. OFFICE OF THE CTS., ANNUAL REPORT OF THE NEVADA JUDICIARY: FISCAL YEAR 2006, 39 (2006), [http://www.nvsupremecourt.us/documents/reports/rpt\\_annual06.pdf](http://www.nvsupremecourt.us/documents/reports/rpt_annual06.pdf).

7. Barbara A. Babb, *Where We Stand: An Analysis of America's Family Law Adjudicatory Systems and the Mandate to Establish Unified Family Courts*, 32 FAM. L.Q. 31 (1998).

8. Barbara A. Babb, *Where We Stand Redux: Another Look at America's Family Law Adjudicatory Systems*, 35 FAM. L.Q. 627 (2002).

9. ABA, AMERICA'S CHILDREN AT RISK: A NATIONAL AGENDA FOR LEGAL ACTION 54 (1993).

10. *See infra* note 51.

11. Family law subject matter jurisdiction can include jurisdiction over cases involving divorce, annulment, and property distribution; child custody and visitation; alimony and child support; paternity, adoption, and termination of parental rights; juvenile causes (juvenile delinquency, child abuse, and child neglect); domestic violence; criminal nonsupport; name change; guardianship of minors and disabled persons; and withholding or withdrawal of life-sustaining medical procedures, involuntary admissions, and emergency evaluations. DEL. CODE ANN. tit. 10, §§ 921-928 (2006).

12. *See* SANFORD N. KATZ & JEFFREY A. KUHN, RECOMMENDATIONS FOR A MODEL FAMILY COURT: A REPORT FROM THE NATIONAL FAMILY COURT SYMPOSIUM 1 (National Council of Juvenile and Family Court Judges 1991).

13. LINDA SZYMANSKI, POLICY ALTERNATIVES AND CURRENT COURT PRACTICE IN THE SPECIAL PROBLEM AREAS OF JURISDICTION OVER THE FAMILY 6 (1993); *accord*, Robert W. Page, *Family Courts: An Effective Judicial Approach to the Resolution of Family Disputes*, 44 JUV. & FAM. CT. J. 1, 7 (1993).



14. SZYMANSKI, *supra* note 13, at 5.

15. See generally Barbara A. Babb, *Fashioning an Interdisciplinary Framework for Court Reform in Family Law: A Blueprint to Construct a Unified Family Court*, 71 S. CAL. L. REV. 469 (1998); Babb, *supra* note 7, at 31.

16. Babb, *supra* note 7, at 31.

17. *Id.*

18. *Id.*

19. Lynn M. LoPucki, *The Systems Approach to Law*, 82 CORNELL L. REV. 479, 480-81 (1997) (describing systems analysis methodology and some examples of systems projects, particularly in the fields of debtor-creditor and bankruptcy law); see also Susan L. Brooks, *A Family Systems Paradigm for Legal Decision Making Affecting Child Custody*, 6 CORNELL J.L. & PUB. POL'Y 1 (1996) (advocating a systems approach to child custody decision making based upon a nonjudgmental consideration of the child in the context of the family and the family's interaction).

20. Babb, *supra* note 7, at 40.

21. *Id.* at 38.

22. N.J. CONST. art. VI, § 3; CONN. GEN. STAT. §§ 46b-1, 46b-2 (2006); DEL. CODE ANN. tit. 10, §§ 901-902 (2006); D.C. CODE ANN. § 11-1101 (2006); HAW. REV. STAT. § 571-3 (2006); ME. REV. STAT. ANN. tit. 4, § 1 (2006); MASS. GEN. LAWS ch. 211B, § 1 (2006); MICH. COMP. LAWS ANN. § 600.1001 (2006); N.J. STAT. ANN. §§ 2B:3-1 to 2B:5-3 (2006); N.Y. FAM. CT. ACT § 113 (2006); R.I. GEN. LAWS § 8-10-3 (2006); S.C. CODE ANN. § 14-2-10 (2005); VT. STAT. ANN. tit. 4, § 451 (2006); WASH. REV. CODE ANN. § 26.12.010 (2006); W. VA. CODE § 51-2A-1 (2006); *In re* Report of the Comm'n on Family Courts, 588 So. 2d 586 (Fla. 1991) ("Family Courts I"); *In re* Report of the Comm'n on Family Courts, 633 So. 2d 14, 16 (Fla. 1994) ("Family Courts II"); *In re* Report of the Comm'n on Family Courts, 646 So. 2d 178, 179 (Fla. 1994) ("Family Courts III"); *In re* Report of the Family Court Steering Comm., 794 So. 2d 518 (Fla. 2001) ("Family Courts IV"); See Appendix A.

23. CONN. GEN. STAT. §§ 46b-1, 46b-2 (2006); ME. REV. STAT. ANN. tit. 4, § 1 (2006); MICH. COMP. LAWS ANN. § 600.1001 (2006); W. VA. CODE § 51-2A-1 (2006); Telephone Interview with Debra Kulak, Reg'l Manager, Court Services Div., Family Div., in Wethersfield, Conn. (Jan. 23, 2006); Telephone Interview with Kirsten Skorpen, Family Div. Res. Coordinator, in Augusta, Me. (Jan. 3, 2006); Telephone Interview with Roland Fancher, Family Div. Adm'r, in Kalamazoo County, Mich. (Jan. 10, 2006); Telephone Interview with Alison Chambers, Dir., Family Court Services, Admin. Office of the Courts, in Charleston, W. Va. (Aug. 18, 2005).

24. ALA. CODE § 12-12-1 (2006); KAN. STAT. ANN. § 20-438 (2006); KY. REV. STAT. ANN. §§ 23A.100, 23A.110 (2006); MINN. STAT. §§ 260.019, 260.021, 518.002-518.66 (2006); MO. REV. STAT. §§ 487.010, 487.080 (2006); N.H. REV. STAT. ANN. § 490-D:1 (2006); OR. REV. STAT. § 3.405 (2006); 42 PA. CONS. STAT. § 951 (2006); MD. RULE § 16-204 (2006); 1993 Md. Laws 198; Telephone Interview with John W. Davis, Retired Family Court Judge, Admin. Consultant to Family Courts, in Montgomery, Ala. (Jan. 13, 2006); Telephone Interview with Julia Weber, Supervising Attorney, Ctr. for Families, Children & the Courts, Admin. Office of the Courts, in San Francisco, Cal. (Aug. 8, 2006); Telephone Interview with Alicia Davis, Family Programs Supervisor, in Denver, Colo. (Oct. 12, 2005); Telephone Interview with Anthony F. Trapani, Admin. Office of the Ill. Courts, Court Services Div., in Springfield, Ill. (Jan. 17, 2006); Telephone Interview with Mark Gleeson, Family and Children's Program Coordinator, in Topeka, Kan. (Aug. 16, 2006); Telephone Interview with Kelly Stephens, Family Court Staff Attorney, Admin. Office of the Courts, in Frankfort, Ky. (Jan. 6, 2006); Telephone Interview with Pamela Cardullo Ortiz, Executive Dir., Family Admin., Admin. Office of the Courts, in Annapolis, Md. (Aug. 2005); Telephone Interview with Norma Rahm, Family Court Coordinator, Juvenile and Adult Court Programs, Office of State Courts Adm'r, in Jefferson City, Mo. (Jan. 30, 2006); Telephone Interview with Craig Hagensick, Research Analyst, and Chris Ruhl, Courts Project Manager, Minn. Supreme Court, Court Services Div., in St. Paul, Minn. (Sept. 29, 2005); Telephone Interview with Gina B. Apicelli, Family Div. Adm'r, Admin. Office of the Family and Dist. Courts, in Concord, N.H. (Aug. 2006); Telephone Interview with Fern Goodman, Gen. Counsel, N.M. Admin. Office of the Courts, in Albuquerque, N.M. (Sept. 2006); Telephone Interview with Juanita Duran, Court Adm'r, N.M. Admin. Office of the Courts, in Albuquerque, N.M. (Oct. 17, 2005); Telephone Interviews with Gretchen Beam, Program Assistant, Steve Hanson, Family Law Caseflow Manager, & Diane Hatcher, Manager, Case Mgmt. Section, Supreme Court of Ohio, Columbus, Ohio (Aug. 22, 2005); Telephone Interview with BealLisa Sydlik, Family Law Senior Policy Analyst, in Salem, Or. (Aug. 11, 2005); Telephone Interview with Kim Nieves, Assistant Dir. of Policy & Research, in Philadelphia, Pa. (Jan. 5, 2006); Telephone Interview with Maria Elena Ramon, Assistant Gen. Counsel, Office of Court Admin., in Austin, Tex. (July 24, 2006); Telephone Interview with Marcia Vandercook, Senior Policy Analyst, Wis. Dir. of State Courts Office, in Madison, Wis. (July 14, 2006).

25. KY. REV. STAT. §§ 23A.100, 23A.110 (2006); MINN. STAT. §§ 260.019, 260.021, 518.002-518.66 (2006); N.H. REV. STAT. ANN. § 490-D:1 (2006); MD. RULE § 16-204 (2006); 1993 Md. Laws 198; Telephone Interview with Julia Weber, *supra* note 24; Telephone Interview with Anthony F. Trapani, *supra* note 24; Telephone Interview



with Kelly Stephens, *supra* note 24; Telephone Interview with Pamela Cardullo Ortiz, *supra* note 24; Telephone Interview with Craig Hagensick & Chris Ruhl, *supra* note 24; Telephone Interview with Gina B. Apicelli, *supra* note 24.

26. Babb, *supra* note 7, at 40.

27. *Id.* at 39.

28. MISS. CODE ANN. § 43-23-1 (repealed 1999); Telephone Interview with Kevin Lackey, Admin. Office of the Courts, in Jackson, Miss. (Jan. 3, 2006); Telephone Interview with Julie Rorie, Gen. Counsel, Admin. Office of the Courts, in Oklahoma City, Okla. (Sept. 8, 2006).

29. KY. REV. STAT. 23A.100, 23A.110 (2006); MINN. STAT. ANN. §§ 260.019, 260.021, 518.002-518.66 (2006); N.H. REV. STAT. ANN. § 490-D:1 (2006); MD. RULE § 16-204 (2006); 1993 Md. Laws 198; Telephone Interview with Julia Weber, *supra* note 24; Telephone Interview with Anthony F. Trapani, *supra* note 24; Telephone Interview with Kelly Stephens, *supra* note 24; Telephone Interview with Pamela Cardullo Ortiz, *supra* note 24; Telephone Interview with Craig Hagensick & Chris Ruhl, *supra* note 24; Telephone Interview with Gina B. Apicelli, *supra* note 24.

30. Babb, *supra* note 7, at 40.

31. Telephone Interviews with Lelia Hopper, Dir. of Court Improvement Program, & Linda R. Scott, Staff Attorney, Court Improvement Program, Va. Supreme Court, in Richmond, Va. (Jan. 25, 2006).

32. Babb, *supra* note 7, at 40.

33. Telephone Interview with Phillip Knox, Deputy Court Adm'r, in Phoenix, Ariz. (Aug. 16, 2006); Telephone Interview with Frances G. Hill, Consultant, Ind. Family Court Project, Ind. Supreme Court, in Bloomington, Ind. (July 12, 2006); Telephone Interview with Jan Hood, Court Mgmt. Specialist, Admin. Office of the Courts, in Raleigh, N.C. (Aug. 2006); Telephone Interview with Amy Bohn, Family Court Project, Dist. Court, in Grand Forks, N.D. (July 6, 2006).

34. Babb, *supra* note 7, at 40.

35. Telephone Interviews with Neil Nesheim, Area Court Adm'r, First Judicial Dist., in Juneau, Alaska, & Gwendolyn Lyford, Third Judicial Dist., in Anchorage, Alaska. (Jan. 24, 2006); Telephone Interview with Donna L. Gay, Staff Attorney, Admin. Office of the Courts, in Little Rock, Ark. (Aug. 16, 2006); Telephone Interview with Renée Morse, Family Court Services Dir., in Boise, Idaho (Sept. 26, 2005); Telephone Interview with Jerry K. Beatty, Dir. of Judicial Branch Educ., in Des Moines, Iowa (Dec. 20, 2005); Telephone Interview with Chris Wethern, Staff Attorney, in Helena, Mont. (Aug. 23, 2005); Telephone Interview with Vicki Weisz, Research Assoc. Professor, Ctr. on Children, Families, & the Law, in Lincoln, Neb. (Dec. 23, 2005); Telephone Interview with Lynn E. Sudbeck, Deputy State Court Adm'r/Gen. Legal Counsel, in Pierre, S.D. (Aug. 5, 2005); Telephone Interview with Rebecca Montgomery, Assistant Dir., Court and Pub. Services, in Nashville, Tenn. (Aug. 18, 2005); Telephone Interview with Brent Johnson, Gen. Counsel for Utah State Employees & the Utah Judiciary, in Salt Lake City, Utah (Sept. 17, 2005); Telephone Interview with Holly Hansen, State Court Adm'r, in Cheyenne, Wyo. (Nov. 17, 2005).

36. Babb, *supra* note 7, at 41.

37. Telephone Interview with Lelia Hopper & Linda R. Scott, *supra* note 31.

38. Babb, *supra* note 7, at 40.

39. Telephone Interview with Kevin Lackey, *supra* note 28; Telephone Interview with Julie Rorie, *supra* note 28.

40. Comprehensive subject matter jurisdiction is defined to include divorce, annulment, and property distribution; child custody and visitation; alimony and child support; paternity, adoption, and termination of parental rights; juvenile causes (juvenile delinquency, child abuse, and child neglect); domestic violence; criminal non-support; name change; guardianship of minors and disabled persons; and withholding or withdrawal of life-sustaining medical procedures, involuntary admissions, and emergency evaluations. Individual states may vary with regard to inclusion of particular subject matter jurisdictional areas. Any state defined to have comprehensive subject matter jurisdiction, however, has jurisdiction over a majority of the above subjects. *See, e.g.*, DEL. CODE ANN. tit. 10, §§ 921-928 (2006).

41. Telephone Interview with Phillip Knox, *supra* note 33; Telephone Interview with Leann Summa, Dir. of Legal Affairs, Family Court Admin. Office, in Wilmington, Del. (Dec. 18, 2005); Telephone Interview with Despina M. Belle-Isle, Attorney Advisor, Family Court, in Washington, D.C. (Jan. 25, 2006); Telephone Interview with Sandra Neidert, Court Operations Consultant, in Tallahassee, Fla. (Jan. 5, 2006); Telephone Interview with Greg Arnold, Assistant Dir. for Research, Fulton County, in Atlanta, Ga. (Aug. 17, 2006); Telephone Interviews with Lillian K. Takakai, Law Clerk, & Hon. Francis Wong, Senior Family Court Judge, in Honolulu, Haw. (Jan. 13, 2006); Telephone Interview with Mark Gleeson, *supra* note 24; Telephone Interview with Kelly Stephens, *supra* note 24; Telephone Interview with Kirsten Skorpen, *supra* note 23; Telephone Interview with Pamela

Cardullo Ortiz, Executive Dir., Family Admin., Admin. Office of the Courts, in Annapolis, Md. (Jan. 9, 2006); Telephone Interview with John E. McNichols, Court Adm'r, Admin. Office of Probate & Family Court, in Boston, Mass. (Jan. 26, 2006); Telephone Interview with Roland Fancher, *supra* note 23; Telephone Interview with Craig Hagensick & Chris Ruhl, *supra* note 24; Telephone Interview with Robin Sweet, Senior Court Research Analyst, Admin. Office of the Courts, in Carson City, Nev. (Oct. 26, 2005); Telephone Interview with Gina B. Apicelli, Family Div. Adm'r, Admin. Office of Family & Dist. Courts, in Concord, N.H. (Jan. 19, 2006); Telephone Interview with Harry T. Cassidy, Assistant Dir., Admin. Office of the Courts, in Trenton, N.J. (Aug. 22, 2006); Telephone Interview with Jan Hood, *supra* note 33; Telephone Interview with Amy Bohn, *supra* note 33; Telephone Interview with BealLisa Sydlik, *supra* note 24; Telephone Interview with Kim Nieves, *supra* note 24; Telephone Interview with David M. Tassoni, Deputy Adm'r, in Providence, R.I. (December 2005); Telephone Interview with Tiffany Raines, Family Court Representative, in Columbia, S.C. (Aug. 22, 2005); Telephone Interview with Sandra Seidel, Manager, Family Court Operations, in Montpelier, Vt. (Jan. 24, 2006); Telephone Interview with Merrie Gough, Legal Analyst, Admin. Office of the Courts, in Olympia, Wash. (Sept. 2, 2005); Telephone Interview with Marcia Vandercook, *supra* note 24.

42. Telephone Interview with Norma Rahm, *supra* note 24; Telephone Interview with Fern Goodman, *supra* note 24; Telephone Interview with Janet Fink, Deputy Counsel, N.Y. State Unified Court Sys., in New York, N.Y. (Aug. 1, 2005); Telephone Interview with Marcia Vandercook, *supra* note 24.

43. *See supra* note 40. Limited subject matter jurisdiction includes jurisdiction over less than a majority of the subjects set forth in note 40.

44. Telephone Interview with John W. Davis, *supra* note 24; Telephone Interview with Deborah Chase, Senior Attorney, Ctr. for Families, Children & the Courts, in San Francisco, Calif. (Jan. 6, 2006); Telephone Interview with Julia Weber, Supervising Attorney, Ctr. for Families, Children & the Courts, Admin. Office of the Courts, in San Francisco, Calif. (Nov. 3, 2006); Telephone Interview with Alicia Davis, Family Programs Supervisor, in Denver, Colo. (Aug. 17, 2006); Telephone Interview with Debra Kulak, *supra* note 23; Telephone Interview with Anthony F. Trapani, *supra* note 24; Telephone Interview with Frances G. Hill, Consultant, Ind. Family Court Project, Ind. Supreme Court, in Bloomington, Ind. (Dec. 4, 2006); Telephone Interview with Tracy Buccino, Research Attorney, La. Judicial Administrator's Office, in New Orleans, La. (Aug. 16, 2006); Telephone Interview with Steven W. Hanson, Family Law Case Flow Manager, Case Mgmt. Section, Supreme Court of Ohio, in Columbus, Ohio (Jan. 24, 2006); Telephone Interview with Maria Elena Ramon, Assistant Gen. Counsel, Office of Court Admin., in Austin, Tex. (Jan. 18, 2006).

45. Telephone Interview with Gina B. Apicelli, *supra* note 41; Telephone Interview with Debra Kulak, *supra* note 22; Telephone Interview with John E. McNichols, *supra* note 41.

46. *See* Appendix C.

47. D.C. CODE § 11-1104 (2006); Telephone Interview with Despina M. Belle-Isle, *supra* note 41; Telephone Interview with Phillip Knox, *supra* note 33; Telephone Interview with Leann Summa, Dir. of Legal Affairs, Family Court Admin. Office, in Wilmington, Del. (Dec. 20, 2005); Telephone Interview with Greg Arnold, *supra* note 40; Telephone Interview with Lillian K. Takaki & Hon. Francis Wong, *supra* note 41; Telephone Interview with Kelly Stephens, *supra* note 24; Telephone Interview with Gina B. Apicelli, *supra* note 41; Telephone Interview with Harry T. Cassidy, Assistant Director, Administrative Office of the Courts, in Trenton, N.J. (Dec. 23, 2005); Telephone Interview with Jan Hood, Court Mgmt. Specialist, Admin. Office of the Courts, in Raleigh, N.C. (Jan. 4, 2006); Telephone Interview with Amy Bohn, Family Court Project, in Grand Forks, N.D. (Aug. 8, 2005); Telephone Interview with Steven W. Hanson, *supra* note 44; Telephone Interview with BealLisa Sydlik, *supra* note 24; Telephone Interview with Marcia Vandercook, Senior Policy Analyst, Wis. Dir. of State Court's Office, in Madison, Wis. (Aug. 2005).

48. Telephone Interview with John W. Davis, *supra* note 24; Telephone Interview with John E. McNichols, *supra* note 41; Telephone Interview with Fern Goodman, *supra* note 24; Telephone Interview with David Tassoni, *supra* note 41; Telephone Interview with Alison Chambers, Dir., Family Court Services, Admin. Office of the Courts, in Charleston, W. Va. (Jan. 20, 2006).

49. CONN. GEN. STAT. §§ 46b-4, 46b-5 (2006); Telephone Interview with Deborah Chase, *supra* note 44; Telephone Interview with Julia Weber, *supra* note 24; Telephone Interview with Debra Kulak, *supra* note 23; Telephone Interview with Tiffany Raines, *supra* note 41; Telephone Interview with Sandra Seidel, *supra* note 41.

50. Telephone Interview with Bill Delisio, Court Improvement Coordinator, in Denver, Colo. (Aug. 16, 2006); Telephone Interview with Sandra Neidert, Court Operations Consultant, in Tallahassee, Fla. (Oct. 5, 2006); Telephone Interview with Anthony F. Trapani, *supra* note 24; Telephone Interview with Frances G. Hill, Consultant, Ind. Family Court Project, Ind. Supreme Court, in Bloomington, Ind. (Feb. 28, 2006); Telephone Interview with Mark Gleeson, *supra* note 24. *See, e.g.*, MICH. COMP. LAWS ANN. § 600.1023 (2006); PARISH OF ORLEANS CIVIL DISTRICT COURT, RULE 25.0 (2006); Telephone Interview with Tracy Buccino, *supra* note 44;

Telephone Interview with Kirsten Skorpen, *supra* note 23; Telephone Interview with Pamela Cardullo Ortiz, Executive Dir., Family Admin., Admin. Office of the Courts, in Annapolis, Md. (Aug. 4, 2006); Telephone Interview with Roland Fancher, *supra* note 23; Telephone Interviews with Judy Nord, Staff Attorney, Children's Justice Initiative, State Court Administrator's Office, Craig Hagensick, Research Analyst, & Chris Ruhl, Court Projects Manager, Minn. Supreme Court, Court Services Div., in St. Paul, Minn. (Sept. 29, 2005); Telephone Interview with Norma Rahm, *supra* note 24; Telephone Interview with Robin Sweet, *supra* note 41; Telephone Interview with Janet Fink, *supra* note 42; Telephone Interview with Kim Nieves, *supra* note 24; Telephone Interview with Maria Elena Ramon, *supra* note 24; Telephone Interview with Janet Skreen, Juvenile & Family Court Legislation, Senior Court Program Analyst, Admin. Office of the Courts, in Olympia, Wash. (Feb. 28, 2006).

51. Herbert J. Belgrad, *The American Bar Association and Unified Family Courts: Introduction to a Survey*, 42 FAM. CT. REV. 10 (2004).

52. *Id.*

*Barbara A. Babb is an associate professor and director of the Center for Families, Children and the Courts at the University of Baltimore School of Law, where she has taught various family law courses since 1989. During the spring 1999 semester, she was a visiting professor of law at the George Washington University School of Law. Her scholarship focuses on an interdisciplinary approach to family law jurisprudence through the application of therapeutic jurisprudence and an ecological/holistic perspective and to court reform in family law through the creation of unified family courts. She has written and spoken at the state, national, and international levels about unified family courts and family law decision making. Further, she has participated in court and law reform projects in Maryland, nationally, and internationally. In recognition of her work, she has received the University System of Maryland Regents' Award for Outstanding Public Service, the first Benjamin L. Cardin Distinguished Service Award, the Rosalyn B. Bell Award for Outstanding Contributions in Family Law, and two Outstanding Teaching Awards from the School of Law.*

*Professor Babb is a past chair and current executive committee member of the Association of American Law Schools Family and Juvenile Law Section. She is special advisor to and a former member of the American Bar Association (ABA) Standing Committee on Substance Abuse, where she actively participated in the Committee's unified family court project, Communities, Families, and the Justice System. She is also a member of the ABA's Unified Family Courts Coordinating Council. She is the former ABA Family Law Section Liaison to the Standing Committee on Substance Abuse and the former co-chair of the ABA Family Law Section's Family Court Committee. Professor Babb is a member of the Editorial Advisory Board of the Family Court Review. She received her J.D. from Cornell Law School in 1981, an M.S. from Cornell University in 1978, and a B.S. from Pennsylvania State University in 1973.*

*She is a member of the New York and Maryland bars.*

**APPENDIX A****State Court Systems for Determining Family Law Matters<sup>1</sup>**

<i>State</i>	<i>Statewide Family Court/Division/Department</i>	<i>Family Court/Division/Department in Selected Areas of State</i>	<i>Planned or Pilot Family Court/Division/Department</i>	<i>No Family Court</i>
Alabama		X <sup>2</sup>		
Alaska				X <sup>3</sup>
Arizona			X <sup>4</sup>	
Arkansas				X <sup>5</sup>
California		X <sup>6</sup>		
Colorado		X <sup>7</sup>		
Connecticut	X <sup>8</sup>			
Delaware	X <sup>9</sup>			
District of Columbia	X <sup>10</sup>			
Florida	X <sup>11</sup>			
Georgia			X <sup>12</sup>	
Hawaii	X <sup>13</sup>			
Idaho				X <sup>14</sup>
Illinois		X <sup>15</sup>		
Indiana			X <sup>16</sup>	
Iowa				X <sup>17</sup>
Kansas		X <sup>18</sup>		
Kentucky		X <sup>19</sup>		
Louisiana		X <sup>20</sup>		
Maine	X <sup>21</sup>			
Maryland		X <sup>22</sup>		
Massachusetts	X <sup>23</sup>			
Michigan	X <sup>24</sup>			
Minnesota		X <sup>25</sup>		
Mississippi				X <sup>26</sup>
Missouri		X <sup>27</sup>		
Montana				X <sup>28</sup>
Nebraska				X <sup>29</sup>
Nevada		X <sup>30</sup>		
New Hampshire		X <sup>31</sup>		
New Jersey	X <sup>32</sup>			
New Mexico		X <sup>33</sup>		
New York	X <sup>34</sup>			
North Carolina			X <sup>35</sup>	
North Dakota			X <sup>36</sup>	
Ohio		X <sup>37</sup>		
Oklahoma				X <sup>38</sup>
Oregon		X <sup>39</sup>		
Pennsylvania		X <sup>40</sup>		
Rhode Island	X <sup>41</sup>			
South Carolina	X <sup>42</sup>			
South Dakota				X <sup>43</sup>
Tennessee				X <sup>44</sup>
Texas		X <sup>45</sup>		
Utah				X <sup>46</sup>
Vermont	X <sup>47</sup>			
Virginia				X <sup>48</sup>
Washington	X <sup>49</sup>			
West Virginia	X <sup>50</sup>			
Wisconsin		X <sup>51</sup>		
Wyoming				X <sup>52</sup>

<sup>1</sup> Family law matters are defined to include divorce, annulment, and property distribution; child custody and visitation; alimony and child support; paternity, adoption, and termination of parental rights; juvenile cases (juvenile delinquency, child abuse, and child neglect); domestic violence, criminal nonsupport; name change, guardianship of minors and disabled persons; and withholding or withdrawal of life-sustaining medical procedures, involuntary admissions, and emergency evaluations. *See, e.g.*, DEL. CODE ANN. tit. 10, §§ 921-925, 927-928 (2006).

<sup>2</sup> Alabama has family court divisions in the larger judicial circuits, where population sizes warrant such divisions. ALA. CODE § 12-12-1 (2006); Survey Response, John W. Davis, Retired Family Court Judge, Admin. Consultant to Family Courts, in Montgomery, Ala. (Jan. 13, 2006).

<sup>3</sup> Alaska does not have a statewide family court. Family law matters are heard in the superior and district courts. ALASKA STAT. §§ 22.10.025, 22.15.030 (2006); Survey Response, Neil Nesheim, Area Court Adm'r, First Judicial Dist., in Juneau, Alaska (Jan. 24, 2006); Survey Response, Gwendolyn Lyford, Third Judicial Dist., in Anchorage, Alaska. (Jan. 24, 2006).

<sup>4</sup> Three counties—Coconino, Maricopa, and Pinal—have been mandated by the Superior Court of Arizona to initiate pilot family courts. As of July 2006, Coconino and Pinal counties have been budgeted to implement their pilots. The Maricopa pilot is on hold. Survey Response, Phillip Knox, Deputy Court Adm'r, in Phoenix, Ariz. (Aug. 16, 2006).

<sup>5</sup> Arkansas does not have a family court. As of July 1, 2001, all courts are now circuit courts with five divisions—criminal, domestic, probate, juvenile, and civil. ARK. CODE ANN. § 16-17-704 (2006); Survey Response, Donna L. Gay, Staff Attorney, Admin. Office of the Courts, in Little Rock, Ark. (Aug. 16, 2006).

<sup>6</sup> California has family law calendars and/or divisions and juvenile dependency and delinquency calendars/divisions in all fifty-eight counties. For the last three years, eight mentor courts (that implemented various approaches to unifying or coordinating family and juvenile law matters), Del Norte, Butte and Glenn, San Joaquin, Napa, Los Angeles, Yolo, Placer (two years), and San Francisco, have received funds to move ahead with various approaches to unification and coordination of family and juvenile matters. In 2006, Sacramento, Los Angeles, Orange, Butte and Glenn, Sonoma, San Francisco, and Placer received funding for one year to continue their approaches to coordinating family, juvenile, and/or probate and criminal matters. The Judicial Council, the policy-making body of the courts, funds the unified court projects. Survey Response, Julia Weber, Supervising Attorney, Ctr. for Families, Children & the Courts, Admin. Office of the Courts, in San Francisco, Cal. (Aug. 8, 2006).

<sup>7</sup> Colorado does not have a family court, but there are family law divisions in selected areas of the state. Survey Response, Alicia Davis, Family Programs Supervisor, in Denver, Colo. (Oct. 12, 2005).

<sup>8</sup> Connecticut has a statewide family court division, but this is not considered a unified family court. CONN. GEN. STAT. §§ 46b-1, 46b-2 (2006); Survey Response, Debra Kulak, Reg'l Manager, Court Services Div.—Family Div., in Wethersfield, Conn. (Jan. 23, 2006).

<sup>9</sup> Delaware has had a statewide family court since 1971. DEL. CODE ANN. tit. 10, §§ 901-902 (2006); Survey Response, Leann Summa, Dir. of Legal Affairs, Family Court Admin. Office, in Wilmington, Del. (Dec. 20, 2005).

<sup>10</sup> The District of Columbia has had a family court as a branch of the superior court since 1970. The code was updated by the District of Columbia Family Court Act of 2001. D.C. CODE ANN. § 11-1101 (2006). The family court is divided into the following branches: domestic relations, juvenile and neglect, paternity and child support, mental health and mental retardation, marriage bureau, and counsel for child abuse and neglect. Survey Response, Despina M. Belle-Isle, Attorney Advisory, Family Court, in Washington, D.C. (Jan. 25, 2006).

<sup>11</sup> Since 1991, a series of Florida Supreme Court opinions have established family court divisions in twenty of Florida's circuit courts. *In re* Report of the Comm'n on Family Courts, 588 So. 2d 586 (Fla. 1991) ("Family Courts I"); *In re* Report of the Comm'n on Family Courts, 633 So. 2d 14, 16 (Fla. 1994) ("Family Courts II"); *In re* Report of the Comm'n on Family Courts, 646 So. 2d 178, 179 (Fla. 1994) ("Family Courts III"); *In re* Report of the Family Court Steering Comm., 794 So. 2d 518 (Fla. 2001) ("Family Courts IV"); Survey Response, Sandra Neidert, Court Operations Consultant, in Tallahassee, Fla. (Jan. 5, 2006); Florida State Courts, *Family Courts*, [http://www.flcourts.org/gen\\_public/family/familycourts.shtml](http://www.flcourts.org/gen_public/family/familycourts.shtml) (provides additional information).

<sup>12</sup> Georgia does not have a state-supported family court. Atlanta's judicial district, Fulton County, has a family court supported by local funding. The family division was instituted in 1998 as a system reform pilot project designed around the "one family—one judge" concept. GA. CODE ANN. § 15-5-26 (2006); Survey Response, Greg Arnold, Assistant Dir. for Research, Fulton County, in Atlanta, Ga. (Aug. 17, 2006).

<sup>13</sup> Hawaii established a statewide family court in 1965. HAW. REV. STAT. § 571-3 (2006); Survey Response, Lillian K. Takaki, Law Clerk, & Hon. Francis Wong, Senior Family Court Judge, in Honolulu, Haw. (Oct. 11, 2005).

<sup>14</sup> Idaho has statewide family court services, but not a family court. IDAHO CODE ANN. § 32-1404 (2006); Survey Response, Renée Morse, Family Court Services Dir., in Boise, Idaho (Sept. 26, 2005).

<sup>15</sup> Approximately twelve of Illinois' twenty-two judicial circuits have family court divisions. Survey Response, Anthony F. Trapani, Admin. Office of the Illinois Courts, Court Services Div., in Springfield, Ill. (Jan. 17, 2006).

<sup>16</sup> The Indiana Supreme Court initiated the pilot Family Court Project in 1999 in four counties. The project is funded by the state legislature. Currently, the project includes seventeen counties and two of the largest counties, Allen and South Bend, were added in 2006. Every two years, the state supreme court will select three to seven counties based on grant applications to enable them to receive grants to create pilot family courts with reduced transition funding for the following two to four years. Survey Response, Frances G. Hill, Consultant, Ind. Family Court Project, Ind. Supreme Court, in Bloomington, Ind. (July 12, 2006).

<sup>17</sup> Iowa does not have a family court. The district and juvenile courts hear family law matters. IOWA CODE §§ 602.1102, 602.6101 (2005). Survey Response, Jerry K. Beatty, Dir. of Judicial Branch Educ., in Des Moines, Iowa (Dec. 20, 2005).

<sup>18</sup> Kansas has thirty-one judicial districts. All are district courts. By local rule, the 18th judicial district of Sedgwick has a family law department which deals with divorce, paternity and protection orders. KAN. STAT. ANN. § 20-438 (2006); Survey Response, Mark Gleeson, Family & Children's Program Coordinator, in Topeka, Kan. (Aug. 16, 2006).

<sup>19</sup> Kentucky launched the family court pilot program in 1991 and it has since expanded across the state. Currently, the Kentucky Family Court is operating in forty-three counties and is expected to expand statewide. Family court is a division of the circuit court, Kentucky's highest trial court level. KY. REV. STAT. §§ 23A.100, 23A.110 (2006) (which defines jurisdiction); Survey Response, Kelly Stephens, Family Court Staff Attorney, Admin. Office of the Courts, in Frankfort, Ky. (Jan. 6, 2006).

<sup>20</sup> The district courts have jurisdiction over family law matters, except in East Baton Rouge Parish, where East Baton Rouge Family Court has jurisdiction. LA. CONST. art. V, § 16. District courts also have juvenile jurisdiction, except in Caddo, Orleans, Jefferson, and East Baton Rouge Parishes, where the juvenile courts have exclusive juvenile jurisdiction. City and parish courts have no jurisdiction over claims for annulment of marriage, divorce, separation of property, or alimony. See LA. CODE CIV. PROC. art. 4847(4) (2006); Survey Response, Tracy Buccino, Research Attorney, La. Judicial Admin. Office, in New Orleans, La. (Aug. 16, 2006).

<sup>21</sup> Maine has a statewide family court. ME. REV. STAT. ANN. tit. 4, § 1 (2006); Survey Response, Kirsten Skorpen, Family Div. Resource Coordinator, in Augusta, Me. (Jan. 3, 2006).

<sup>22</sup> Maryland has family divisions in the five largest circuit courts in the state: Baltimore City, Baltimore County, Anne Arundel County, Prince George's County, and Montgomery County. MD. RULE § 16-204 (2006); 1993 Md. Laws 198; Survey Response, Pamela Cardullo Ortiz, Executive Dir., Family Admin., Admin. Office of the Courts, in Annapolis, Md. (August 2005).

<sup>23</sup> Massachusetts has a statewide family court. MASS. GEN. LAWS. ch. 211B, § 1 (2006); Survey Response, John E. McNichols, Court Adm'r, Admin. Office of Probate & Family Courts, in Boston, Mass. (Jan. 26, 2006).

<sup>24</sup> Michigan has a statewide family court. MICH. COMP. LAWS § 600.1001 (2006); Survey Response, Roland Fancher, Family Div. Adm'r, in Kalamazoo County, Mich. (Jan. 10, 2006).

<sup>25</sup> Although Minnesota has family courts in the larger counties, including Hennepin, Ramsey, Minneapolis, and St. Paul, there is not a unified state family court. MINN. STAT. §§ 260.019, 260.021, 518.002-518.66 (2006); Survey Response, Craig Hagensick, Research Analyst, & Chris Ruhl, Courts Project Manager, Minn. Supreme Court, Court Services Div., in St. Paul, Minn. (Sept. 29, 2005).

<sup>26</sup> Mississippi does not have a family court. MISS. CODE ANN. § 43-23-1 (repealed 1999); Survey Response, Kevin Lackey, Admin. Office of the Courts, in Jackson, Miss. (Jan. 3, 2006).

<sup>27</sup> There is no statewide family court in Missouri. Family courts are established by local court rule (by circuit or county). To date, Missouri has fifteen circuits, or partial circuits, comprising twenty-five counties that have family courts. MO. REV. STAT. § 487.010 (2006). Each individual family court determines what cases are considered family law cases. Typically, the court bases the decision on definitions found in MO. REV. STAT. § 487.080; Survey Response, Norma Rahm, Family Court Coordinator, Juvenile & Adult Court Programs, Office of State Courts Adm'r, in Jefferson City, Mo. (Jan. 30, 2006).

<sup>28</sup> Montana does not have a unified family court, but there is a model family drug court in the 13th Judicial District, Yellowstone County. According to the state court Web site, there are now three additional Montana family drug courts. Montana statutory law allows for the creation of drug treatment courts, but it addresses such courts for criminal matters only. MONT. CODE ANN. § 46-1-1104 (2006); Survey Response, Chris Wethern, Staff Attorney, in Helena, Mont. (Aug. 23, 2005); Montana's Official State Web site, *District Courts: Treatment Courts*, <http://courts.mt.gov/dcourt/treatment.asp> (last visited Nov. 4, 2007).

<sup>29</sup> Nebraska does not have a family court. The district court, county court, and juvenile court hear family law cases. NEB. REV. STAT. §§ 43-246, 42-348 (2006); NEB. REV. STAT. §§ 24-517.01, 24-517.02 (repealed 2006); Survey Response, Vicki Weisz, Research Associate Professor, Ctr. on Children, Families, & the Law, in Lincoln, Neb. (Dec. 23, 2005).



<sup>30</sup> Nevada's two largest judicial districts, Las Vegas and Reno, have separate family courts. The other seven judicial districts handle family matters as part of the regular caseload. NEV. REV. STAT. § 3.0105 (2006); Survey Response, Robin Sweet, Senior Court Research Analyst, Admin. Office of the Courts, in Carson City, Nev. (Oct. 26, 2005).

<sup>31</sup> The New Hampshire Family Division currently is operating in six counties. The program originated as a pilot program in two counties, and the state legislature mandated that the program be implemented statewide. The remaining four counties are slated to be brought into the program next year. The 7th county, Merrimack, is slated for the spring of 2007. Strafford is projected for eight months later, and this will continue until all ten counties are complete. N.H. REV. STAT. ANN. § 490-D:1 (2006); Survey Response, Gina B. Apicelli, Family Div. Adm'r, Admin. Office of the Family & Dist. Courts, in Concord, N.H. (August 2006).

<sup>32</sup> New Jersey has had a statewide family court since January 1983. N.J. CONST. art. VI, § 3, para. 3; N.J. STAT. ANN. §§ 2B:3-1 to 2B:5-3 (2006); Survey Response, Harry T. Cassidy, Assistant Dir., Admin. Office of the Courts, in Trenton, N.J. (Aug. 22, 2006).

<sup>33</sup> Family court divisions of the district court, created by district court rules, exist in the larger districts where the population creates the need for family courts. Presently there are family courts in Santa Fe, Las Cruces, and Albuquerque. Survey Response, Fern Goodman, Gen. Counsel, N.M. Admin. Office of the Courts, in Albuquerque, N.M. (Sept. 2006); Survey Response, Juanita Duran, Court Adm'r, N.M. Admin. Office of the Courts, in Albuquerque, N.M. (Oct. 17, 2005).

<sup>34</sup> New York has had an established family court since 1962. Annual legislative efforts have been unsuccessful in integrating Supreme Court matrimonial docket with the family court. N.Y. FAM. CT. ACT § 113 (2006); Survey Response, Janet Fink, Deputy Counsel, N.Y. State Unified Court Sys., in New York, N.Y. (Aug. 1, 2005).

<sup>35</sup> North Carolina is moving from a pilot family court program to statewide implementation of family courts. Currently, there are eleven of forty-one districts funded for family court, with an additional twelve districts on the waiting list. Full implementation across the state will take a number of years. 1998 N.C. Sess. Laws 202. Initial funding for the original three family court pilot sites, District 14 (Durham County), District 20 (Anson, Richmond, Stanly, and Union Counties), and District 26 (Mecklenburg County), came in 1998. Survey Response, Jan Hood, Court Mgmt. Specialist, Admin. Office of the Courts, in Raleigh, N.C. (Aug. 2006).

<sup>36</sup> North Dakota has one pilot family court in Grand Forks, in the Northeast Central Judicial District. It was created in 2003 as a pilot study, funded by grant money. In July 2006, an evaluation report recommended that two more pilot sites be added, one rural, and one in a community larger than Grand Forks. No other expansions have been added as of yet. Survey Response, Amy Bohn, Family Court Project, Dist. Court, in Grand Forks, N.D. (July 6, 2006).

<sup>37</sup> Each county in Ohio has its own jurisdictional arrangement. OHIO REV. CODE ANN. § 2301.03 (2006). In January 2005, a new family court was established in Logan County, with combined jurisdiction over domestic relations, juvenile, and probate matters. Family courts in existence prior to 2002 include Auglaize, Marion, Stark, and Trumbull counties. Survey Responses, Gretchen Beam, Program Assistant, Steve Hanson, Family Law Caseflow Manager, & Diane Hatcher, Manager, Case Mgmt. Section, Supreme Court of Ohio, in Columbus, Ohio (Aug. 22, 2005).

<sup>38</sup> Oklahoma does not have a family court and incorporates the family dockets into their traditional trial courts. Survey Response, Julie Rorie, Gen. Counsel, Admin. Office of the Courts, in Oklahoma City, Okla. (Sept. 8, 2006).

<sup>39</sup> Family court matters are handled in the circuit courts of Oregon. The circuit courts have had aspects of a family court since 1994 and are called "integrated family courts." A family court department may be established upon the written application of the presiding judge. OR. REV. STAT. § 3.405 (2006). The presiding judge may then assign one or more judges to serve in the family court department. Approximately twenty-one of Oregon's thirty-six courts bundle multiple cases involving a single family. Family law cases are handled differently by each county. Some courts have a special family law docket with assigned family law judges. Others do not and family law matters may be assigned to judges who also hear other types of matters. In March 2003, BeaLisa Sydlik conducted a statewide survey of which courts had a family court clerk, specialist, or coordinator to handle family court functions. According to the survey, fifteen courts reported having a family court clerk; seven courts reported having a family court coordinator, although several courts reported that an individual, who is not called a "coordinator," performed duties such as coordinating parent education classes and mediation. One court has a "family court advocate," with duties similar to a family court coordinator. Twenty-one courts bundle family law cases. The types of cases bundled together vary from county to county, but the most common types bundled were dissolution/annulment/separation, custody, FAPA restraining orders, and juvenile. Survey Response, BeaLisa Sydlik, Family Law Senior Policy Analyst, in Salem, Or. (Aug. 11, 2005).

<sup>40</sup> Each of the sixty judicial districts in Pennsylvania administers its own case management system. Philadelphia and Allegheny counties have family divisions within the Pennsylvania Court of Common Pleas. The remaining counties manage their family caseloads in accordance with local rules and procedures. 42 PA. CONS. STAT. § 951 (2006); Survey Response, Kim Nieves, Assistant Dir. of Policy & Research, in Philadelphia, Pa. (Jan. 5, 2006).

<sup>41</sup> Rhode Island has had a family court since June 1961. The family court has a chief judge and eleven associate justices. R.I. GEN. LAWS § 8-10-3 (2006); Survey Response, David M. Tassoni, Deputy Adm'r, in Providence, R.I. (December 2005).

<sup>42</sup> South Carolina has had a family court since 1976. S.C. CODE ANN. § 14-2-10 (2005); Survey Response, Tiffany Raines, Family Court Representative, in Columbia, S.C. (Aug. 22, 2005).

<sup>43</sup> South Dakota's circuit courts hear family law cases. There are no specific family law courts, divisions, or departments. S.D. CODIFIED LAWS § 16-6-9 (2006); Survey Response, Lynn E. Sudbeck, Deputy State Court Adm'r/Gen. Legal Counsel, in Pierre, S.D. (Aug. 5, 2005).

<sup>44</sup> Tennessee does not have a family court. Circuit and juvenile courts hear family law matters. TENN. CODE ANN. §§ 37-1-103, 37-1-104, 37-1-203, 37-1-205, 16-10-101 (2006); Survey Response, Rebecca Montgomery, Assistant Dir., Court & Pub. Services, in Nashville, Tenn. (Aug. 18, 2005).

<sup>45</sup> Sixteen counties have courts called "family district courts" by local statute. There are forty-three courts in the sixteen counties. There is no statewide uniformity in implementation because the courts are created at the local level. Survey Response, Maria Elena Ramon, Assistant Gen. Counsel, Office of Court Admin., in Austin, Tex. (July 24, 2006).

<sup>46</sup> Utah does not have a family court or division. The district and juvenile courts hear family law cases. UTAH CODE ANN. §§ 78-3a-104, 78-3a-105 (2006); Survey Response, Brent Johnson, Gen. Counsel for Utah State Employees & the Utah Judiciary, in Salt Lake City, Utah (Sept. 17, 2005).

<sup>47</sup> Vermont established its family court in 1990. VT. STAT. ANN. tit. 4, § 451 (2006); Survey Response, Sandra Seidel, Manager, Family Court Operations, in Montpelier, Vt. (Aug. 30, 2005).

<sup>48</sup> Virginia does not have a family court. A committee was formed in March 2005 to look into the formation of a family court and it is under consideration for 2006. Virginia has a juvenile court system that handles family-related matters, such as custody, visitation and support, and has juvenile drug courts. Survey Responses, Lelia Hopper, Dir. of Court Improvement Program, & Linda R. Scott, Staff Attorney, Court Improvement Program, Va. Supreme Court, in Richmond, Va. (Jan. 25, 2006).

<sup>49</sup> Washington has had a family court system since 1949. The superior courts may exercise the jurisdiction conferred by statute and will be referred to as family courts. WASH. REV. CODE § 26.12.010 (2006). There are separate calendars for both family law and dependency proceedings. Washington had a pilot program for unified family courts in 2000–2004. Two of those three pilot sites still have a unified family court in place. Other jurisdictions have forms of unified family court models in place and more are planned. Survey Responses, Merrie Gough, Legal Analyst, & Janet Skreen, Juvenile & Family Court Legislation, Senior Court Program Analyst, Admin. Office of the Courts, in Olympia, Wash. (Feb. 28, 2005).

<sup>50</sup> West Virginia has had a family court since January 2002. W. VA. CODE § 51-2A-1 (2006); Survey Response, Alison Chambers, Dir., Family Court Services, Admin. Office of the Courts, in Charleston, W. Va. (Aug. 18, 2005).

<sup>51</sup> Wisconsin has a family court in LaCrosse County and Monroe County. A family court is being developed in Kenosha County and Dane County. Survey Response, Marcia Vandercook, Senior Policy Analyst, Wisconsin Dir. of State Courts Office, in Madison, Wis. (July 14, 2006).

<sup>52</sup> Wyoming does not have a family court. The county courts and juvenile courts hear family law issues. Survey Response, Holly Hansen, State Court Adm'r, in Cheyenne, Wyo. (Nov. 17, 2005).

**APPENDIX B****Subject Matter Jurisdiction of Family Courts/Divisions/Departments (Including Planned or Pilot Courts)**

<i>State</i>	<i>Comprehensive</i> <sup>1</sup>	<i>Limited</i> <sup>2</sup>	<i>Varies</i>
Alabama			X <sup>3</sup>
Arizona	X <sup>4</sup>		
California			X <sup>5</sup>
Colorado			X <sup>6</sup>
Connecticut			X <sup>7</sup>
Delaware	X <sup>8</sup>		
District of Columbia	X <sup>9</sup>		
Florida	X <sup>10</sup>		
Georgia	X <sup>11</sup>		
Hawaii	X <sup>12</sup>		
Illinois			X <sup>13</sup>
Indiana			X <sup>14</sup>
Kansas	X <sup>15</sup>		
Kentucky	X <sup>16</sup>		
Louisiana			X <sup>17</sup>
Maine	X <sup>18</sup>		
Maryland	X <sup>19</sup>		
Massachusetts	X <sup>20</sup>		
Michigan	X <sup>21</sup>		
Minnesota	X <sup>22</sup>		
Missouri		X <sup>23</sup>	
Nevada	X <sup>24</sup>		
New Hampshire	X <sup>25</sup>		
New Jersey	X <sup>26</sup>		
New Mexico		X <sup>27</sup>	
New York		X <sup>28</sup>	
North Carolina	X <sup>29</sup>		
North Dakota	X <sup>30</sup>		
Ohio			X <sup>31</sup>
Oregon	X <sup>32</sup>		
Pennsylvania	X <sup>33</sup>		
Rhode Island	X <sup>34</sup>		
South Carolina	X <sup>35</sup>		
Texas			X <sup>36</sup>
Vermont	X <sup>37</sup>		
Washington	X <sup>38</sup>		
West Virginia		X <sup>39</sup>	
Wisconsin	X <sup>40</sup>		

<sup>1</sup> Comprehensive subject matter jurisdiction, in this Appendix, is defined to include divorce, annulment, and property distribution; child custody and visitation; alimony and child support; paternity, adoption, and termination of parental rights; juvenile causes (juvenile delinquency, child abuse, and child neglect); domestic violence; criminal nonsupport; name change; guardianship of minors and disabled persons; and withholding or withdrawal of life-sustaining medical procedures, involuntary admissions, and emergency evaluations. Individual states may vary with regard to inclusion of particular subject matter jurisdictional areas. Any state defined to have comprehensive subject matter jurisdiction, however, has jurisdiction over a majority of the above subjects. *See, e.g., DEL. CODE ANN. tit. 10, §§ 921-928 (2006).*

<sup>2</sup> Limited subject matter jurisdiction, in this Appendix, includes jurisdiction over less than a majority of the subjects set forth in note 1.

<sup>3</sup> Survey Response, John W. Davis, Retired Family Court Judge, Admin. Consultant to Family Courts, in Montgomery, Ala. (Jan. 13, 2006).

<sup>4</sup> The family court departments in Pinal and Coconino counties handle all domestic relations and juvenile cases. Survey Response, Phillip Knox, Deputy Court Adm'r, in Phoenix, Ariz. (Aug. 16, 2006).

<sup>5</sup> Each of the mentor courts covers various case types: some focus on dependency and criminal, others deal with juvenile and family, and others focus more on improving coordination of related family matters. Survey Response, Deborah Chase, Senior Attorney, Ctr. for Families, Children & the Courts, in San Francisco, Calif. (Jan. 6, 2006); Survey Response Julia Weber, Supervising Attorney, Ctr. for Families, Children & the Courts, Admin. Office of the Courts, in San Francisco, Calif. (Nov. 3, 2006).

<sup>6</sup> All district courts in each of the twenty-two jurisdictions are of general jurisdiction except Denver Juvenile Court, the only juvenile court in the state. Family violence cases, such as misdemeanors, are heard in county courts. Survey Response, Alicia Davis, Family Programs Supervisor, in Denver, Colo. (Aug. 17, 2006).

<sup>7</sup> Subject matter jurisdiction varies with divorce, annulment, and property distribution; child custody and visitation; alimony and child support; and name changes for divorce. CONN. GEN. STAT. §§ 46b-1, 46b-2 (2006); Survey Response, Debra Kulak, Reg'l Manager, Court Services Div.—Family Div., in Wethersfield, Conn. (Jan. 23, 2006).

<sup>8</sup> Subject matter jurisdiction is comprehensive, except for adult guardianship cases. The Chancery Court oversees adults. DEL. CODE ANN. tit. 10, §§ 901, 902 (2006); Survey Response, Leann Summa, Dir. of Legal Affairs, Family Court Admin. Office, in Wilmington, Del. (Dec. 18, 2005).

<sup>9</sup> D.C. CODE § 11-1101 (2006); Survey Response, Despina M. Belle-Isle, Attorney Advisor, Family Court, in Washington, D.C. (Jan. 25, 2006).

<sup>10</sup> The subject matter jurisdiction includes: dissolution of marriage; division and distribution arising out of dissolution; annulment; support; support unconnected with dissolution of marriage; paternity; child support, Uniform Reciprocal Enforcement of Support Act/Uniform Interstate Family Support Act (URESA/UIFSA); custodial care and access to children; adoption; name change; declaratory judgment actions relating to premarital, marital, and postmarital agreements; civil domestic and repeat violence injunctions; juvenile delinquency; termination of parental rights; emancipation of a minor; Children In Need of Services/Families In Need of Services (CINS/FINS); truancy; and modifications and enforcement of orders in these cases. See *In re* Report of the Family Court Steering Comm., 794 So. 2d 518 (Fla. 2001) (“Family Courts IV”) (which sets forth the family division jurisdiction); Survey Response, Sandra Neidert, Court Operations Consultant, in Tallahassee, Fla. (Jan. 5, 2006).

<sup>11</sup> Atlanta Judicial District, Fulton County, has general jurisdiction trial courts such that there is a unit or division that handles family matters. GA. CODE ANN. § 15-5-26 (2006); Survey Response, Greg Arnold, Assistant Dir. for Research, Fulton County, in Atlanta, Ga. (Aug. 17, 2006).

<sup>12</sup> The subject matter jurisdiction of Hawaii's family court is comprehensive and includes domestic matters: marriage; reciprocal beneficiaries; annulment; separation; divorce; property distribution; child custody, support, nonsupport, support enforcement, and visitation; alimony; juvenile matters: status offenders; law violators; detention; waiver of family court jurisdiction; child abuse and neglect, foster custody, and permanent custody; girls' court; juvenile drug court; family drug court; paternity; adoption; termination of parental rights; adult criminal; domestic abuse; temporary restraining orders; protective orders; civil commitment; involuntary admissions; emergency evaluations; involuntary outpatient mental health and/or treatment; guardianship of minors and incapacitated adults; withholding or withdrawal of life-sustaining medical procedures; dependent adult protective services (elderly abuse); and name change. HAW. REV. STAT. §§ 571-11, 571-12, 571-13 (2006); Survey Response, Lillian K. Takaki, Law Clerk, & Hon. Francis Wong, Senior Family Court Judge, in Honolulu, Haw. (Jan. 13, 2006).

<sup>13</sup> Four circuit courts reported comprehensive subject matter jurisdiction, eight courts reported limited jurisdiction, and three courts reported that subject matter jurisdiction varies. Survey Response, Anthony F. Trapani, Admin. Office of the Ill. Courts, Court Services Div., in Springfield, Ill. (Jan. 17, 2006).

<sup>14</sup> In the pilot family court counties, the court may exercise jurisdiction over any case involving the family at the same time it exercises jurisdiction over a juvenile case involving the family. Most circuit and superior courts have general jurisdiction and the ability to hear all types of cases, but some counties continue to have jurisdictional statutes that limit which courts can hear juvenile, adoption, or guardianship matters. By statute and/or by local rules, many counties designate a specific superior or circuit court(s) to hear juvenile or other family law case types. Survey Response, Frances G. Hill, Consultant, Ind. Family Court Project, Ind. Supreme Court, in Bloomington, Ind. (Dec. 4, 2006).

<sup>15</sup> Survey Response, Mark Gleeson, Family & Children's Program Coordinator, in Topeka, Kan. (Aug. 16, 2006).

<sup>16</sup> Family court includes comprehensive subject matter jurisdiction. Survey Response, Kelly Stephens, Family Court Staff Attorney, Admin. Office of the Court, in Frankfurt, Ky. (Jan. 6, 2006).

- <sup>17</sup> The district courts have jurisdiction over family law matters, except in East Baton Rouge Parish. LA. CONST. art. V, § 16. District Courts also have juvenile jurisdiction, except in Caddo, Orleans, Jefferson, and East Baton Rouge Parishes, where the juvenile courts have exclusive juvenile jurisdiction. City and parish courts have no jurisdiction over claims for annulment of marriage, divorce, separation of property, or alimony. *See* LA. CODE. CIV. PROC. art. 4847(4) (2006); Survey Response, Tracy Buccino, Research Attorney, La. Judicial Administrator's Office, in New Orleans, La. (Aug. 16, 2006).
- <sup>18</sup> The courts cover a majority of the subject matters under the comprehensive definition in this Appendix. Survey Response, Kirsten Skorpen, Family Div. Resource Coordinator, in Augusta, Me. (Jan. 3, 2006).
- <sup>19</sup> Family divisions retain comprehensive jurisdiction. MD. RULE § 16-204 (2006); 1993 Md. Laws 198; Survey Response, Pamela Cardullo Ortiz, Executive Dir., Family Admin., Admin. Office of the Courts, in Annapolis, Md. (Jan. 9, 2006).
- <sup>20</sup> Subject matter jurisdiction is comprehensive, except juvenile cases and civil nonsupport cases. MASS. GEN. LAWS ch. 215, § 3 (2006); Survey Response, John E. McNichols, Court Adm'r, Admin. Office of Probate & Family Court, in Boston, Mass. (Jan. 26, 2006).
- <sup>21</sup> Subject matter jurisdiction is comprehensive, but criminal nonsupport is handled in the trial division. MICH. COMP. LAWS § 600.1021 (2006); Survey Response, Roland Fancher, Family Div. Adm'r, in Kalamazoo County, Mich. (Jan. 10, 2006).
- <sup>22</sup> Subject matter jurisdiction is comprehensive, but it does not include juvenile delinquency or child abuse/neglect, which fall under the juvenile court division. Survey Responses, Craig Hagensick, Research Analyst, & Chris Ruhl, Courts Project Manager, Minn. Supreme Court, Court Services Div., in St. Paul, Minn. (Sept. 29, 2005).
- <sup>23</sup> The family court has jurisdiction including, but not limited to, dissolution of marriage, legal separation, separate maintenance, child custody, and modification actions. MO. REV. STAT. § 487.080 (2006). All family cases are circuit court cases, and there is also a juvenile division in circuit court. Survey Response, Norma Rahm, Family Court Coordinator, Office of State Courts Adm'r, in Jefferson City, Mo. (Jan. 30, 2006).
- <sup>24</sup> Subject matter jurisdiction remains comprehensive: juvenile, abuse and neglect, domestic relations, paternity, child custody, and divorce. NEV. REV. STAT. § 3.223 (2006); Survey Response, Robin Sweet, Senior Court Research Analyst, Admin. Office of the Courts, in Carson City, Nev. (Oct. 26, 2005).
- <sup>25</sup> Family division jurisdiction is broad, but it does not include jurisdiction over end-of-life medical procedures/situations, involuntary admissions, or guardianship of disabled persons. N.H. REV. STAT. ANN. § 490-D:2 (2006); Survey Response, Gina B. Apicelli, Family Div. Adm'r, Admin. Office of Family & Dist. Courts, in Concord, N.H. (Jan. 19, 2006).
- <sup>26</sup> The family division retains comprehensive subject matter jurisdiction. N.J. STAT. ANN. § 2A:4A-24 (2006); Survey Response, Harry T. Cassidy, Assistant Dir., Admin. Office of the Courts, in Trenton, N.J. (Aug. 22, 2006).
- <sup>27</sup> The family court division has jurisdiction over divorce, annulment, property distribution, child custody, visitation, alimony, child support, paternity, termination of parental rights, and domestic violence. Survey Response, Fern Goodman, Gen. Counsel, N.M. Admin. Office of the Courts, in Albuquerque, N.M. (Sept. 2006).
- <sup>28</sup> The family court has exclusive original jurisdiction over abuse and neglect proceedings, support and paternity proceedings, termination of parental rights, guardianship and custody of a child, adoption, and proceedings concerning juvenile delinquency. Family court does not have jurisdiction over divorce proceedings. N.Y. FAM. CT. ACT § 115 (2006); Survey Response, Janet Fink, Deputy Counsel, N.Y. State Unified Court Sys., in New York, N.Y. (Aug. 1, 2005).
- <sup>29</sup> North Carolina courts are required to handle all juvenile matters, including abuse, neglect, dependency, delinquency, emancipation, and termination of parental rights; abortion consent waivers; adoption; domestic violence civil restraining orders; child custody; child support; paternity; divorce; equitable distribution; alimony and postseparation support; adult protective services; and guardianship, mental health commitment hearings, hearings for voluntary admission to mental health facilities, and actions under Article 2A of General Statutes Chapter 110. To date, the guardianship cases are still under the purview of the clerk of superior court. Survey Response, Jan Hood, Court Mgmt. Specialist, Admin. Office of the Courts, in Raleigh, N.C. (Aug. 2006).
- <sup>30</sup> After a case has been accepted into the family court, the family court coordinator is responsible to screen all incoming family law filings including: divorces, domestic violence protection orders, custody and support, paternity, disorderly conduct restraining orders, guardianships, mental health petitions, juvenile delinquencies, and deprivations. Survey Response, Amy Bohn, Family Court Project, Dist. Court, in Grand Forks, N.D. (July 6, 2006).
- <sup>31</sup> The subject matter jurisdiction of the Ohio Common Pleas Courts varies by county. The variations fit into different combinations according to whether juvenile matters and probate are included within the domestic relations and general divisions. Some counties also keep all divisions (probate, general, domestic relations, and juvenile) together, while other counties keep all divisions separate. Survey Response, Steven W. Hanson, Family Law Caseflow Manager, Case Mgmt. Section, Supreme Court of Ohio, in Columbus, Ohio (Jan. 24, 2006).

<sup>32</sup> The family court departments hear a combination of the following: dissolution of marriage, paternity, child support, allocation of parental responsibilities, domestic violence, juvenile dependency and delinquency, mental health, and substance abuse. Jurisdiction also includes: adoption, annulment, administrative orders, abuse prevention, petitions for custody, dissolution, elder abuse prevention issues, foreign restraining orders, domestic relations, financial responsibility, petitions for support, registration of foreign support orders and decrees, separation, and “other.” The statute also provides the proceedings which the presiding judge may assign to the family court department. OR. REV. STAT. § 3.408 (2006); Survey Response, Bealisa Sydlík, Family Law Senior Policy Analyst, in Salem, Or. (Aug. 11, 2005).

<sup>33</sup> Pennsylvania counties that have family divisions have jurisdiction which includes divorce, annulment, and property distribution; child custody and visitation; alimony and child support; juvenile causes (juvenile delinquency, child abuse, and child neglect); domestic violence; and criminal nonsupport. Only Philadelphia and Allegheny have family court divisions. The remaining counties decide how family matters are handled by local rules. Survey Response, Kim Nieves, Assistant Dir. of Policy & Research, in Philadelphia, Pa. (Jan. 5, 2006).

<sup>34</sup> R.I. GEN. LAWS § 8-10-3 (2006); Survey Response, David M. Tassoni, Deputy Adm’r, in Providence, R.I. (December 2005).

<sup>35</sup> S.C. CODE ANN. § 14-2-10 (2005); Survey Response, Tiffany Raines, Family Court Representative, in Columbia, S.C. (Aug. 22, 2005).

<sup>36</sup> The local districts decide what should be included in the district family courts. Survey Response, Maria Elena Ramon, Assistant Gen. Counsel, Office of Court Admin., in Austin, Tex. (Jan. 18, 2006).

<sup>37</sup> The family court hears divorce, juvenile, domestic abuse, and child support cases. The probate court handles adoptions and guardianships. Survey Response, Sandra Seidel, Manager, Family Court Operations, in Montpelier, Vt. (Jan. 24, 2006).

<sup>38</sup> Washington’s superior courts are general jurisdiction courts. While court calendars are dedicated to family court, they remain part of the superior court. Wash. Rev. Code § 26.12.010 provides that “each superior court shall exercise the jurisdiction conferred by this chapter and while sitting in the exercise of such jurisdiction shall be known and referred to as the ‘family court.’ A family court proceeding under this chapter is: (1) Any proceeding under this title or any proceeding in which the family court is requested to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of parenting plans, child custody, visitation, or support, or the distribution of property or obligations, or (2) concurrent with the juvenile court, any proceeding under Title 13 or chapter 28A.225 RCW.” WASH. REV. CODE. § 26.12.010 (2006); Survey Response, Merrie Gough, Legal Analyst, Admin. Office of the Courts, in Olympia, Wash. (Sept. 2, 2005).

<sup>39</sup> Jurisdiction does not include juvenile or abuse and neglect cases. Jurisdiction does include, however, divorce, annulment, separate maintenance, paternity, grandparent visitation, name change, infant guardianship, and child custody and support proceedings, except those incidental to child abuse and neglect issues. W. VA. CODE § 51-2A-2 (2006); Survey Response, Alison Chambers, Dir., Family Court Services, Admin. Office of the Courts, in Charleston, W. Va. (Aug. 18, 2005).

<sup>40</sup> The subject matter jurisdiction in LaCrosse and Monroe Counties includes child abuse and neglect, juvenile delinquency, criminal, divorce and custody, domestic violence, and any other case that might affect the abuse and neglect case. Survey Response, Marcia Vandercook, Senior Policy Analyst, Wis. Dir. of State Court’s Office, in Madison, Wis. (July 14, 2006).



**APPENDIX C****Length of Judges' Terms within Family Courts/Divisions/Departments (Including Planned or Pilot Courts)**

<i>State</i>	<i>One Year or Less</i>	<i>2–10 Years</i>	<i>More than 10 Years</i>	<i>Varies or Not Specified</i>
Alabama		X <sup>1</sup>		
Arizona		X <sup>2</sup>		
California				X <sup>3</sup>
Colorado		X <sup>4</sup>		
Connecticut	X <sup>5</sup>			
Delaware			X <sup>6</sup>	
District of Columbia		X <sup>7</sup>		
Florida		X <sup>8</sup>		
Georgia				X <sup>9</sup>
Hawaii				X <sup>10</sup>
Illinois				X <sup>11</sup>
Indiana		X <sup>12</sup>		
Kansas		X <sup>13</sup>		
Kentucky		X <sup>14</sup>		
Louisiana		X <sup>15</sup>		
Maine		X <sup>16</sup>		
Maryland				X <sup>17</sup>
Massachusetts			X <sup>18</sup>	
Michigan				X <sup>19</sup>
Minnesota		X <sup>20</sup>		
Missouri		X <sup>21</sup>		
Nevada		X <sup>22</sup>		
New Hampshire			X <sup>23</sup>	
New Jersey		X <sup>24</sup>		
New Mexico		X <sup>25</sup>		
New York		X <sup>26</sup>		
North Carolina		X <sup>27</sup>		
North Dakota		X <sup>28</sup>		
Ohio		X <sup>29</sup>		
Oregon		X <sup>30</sup>		
Pennsylvania				X <sup>31</sup>
Rhode Island			X <sup>32</sup>	
South Carolina		X <sup>33</sup>		
Texas		X <sup>34</sup>		
Vermont	X <sup>35</sup>			
Washington		X <sup>36</sup>		
West Virginia		X <sup>37</sup>		
Wisconsin		X <sup>38</sup>		

<sup>1</sup> Survey Response, Hon. John W. Davis, Retired Family Court Judge, Admin. Office of the Courts, Consultant to Family Courts, in Montgomery, Ala. (Jan. 13, 2006).

<sup>2</sup> The presumptive term for a judge in family court is two years. Several judges have volunteered for three or more years. Survey Response, Phillip Knox, Deputy Court Adm'r, in Phoenix, Ariz. (Oct. 10, 2005).

<sup>3</sup> There is no set length for a judge's family law assignment. Assignments can be as short as six months or as long as a judge elects to stay. Juvenile judges' terms should be a minimum of three years. CAL. RULES OF CT. § 24 (2006). Assignment of judges is done at the local level by the presiding judges of the superior courts. Most judges take at least one rotation on the family law assignment in their career. In the mid-sized and large courts, family law assignments are usually exclusively for family law cases. In the smaller courts, this is less likely to be true and the judicial officer will be required to hear other types of matters. Superior court judge terms are six years. CAL. CONST. art. VI, § 16; Survey Response, Deborah Chase, Senior Attorney, Ctr. for Families, Children & the Courts, Admin. Office of the Courts, in San Francisco, Cal. (Jan. 5, 2006).

<sup>4</sup> The judge's term is six years. Rotations and case assignments vary from district to district. Survey Response, Bill Delisio, Court Improvement Coordinator, in Denver, Colo. (Aug. 17, 2006).

<sup>5</sup> There is a one-year term for judges, which changes each September. Some judges stay in family court at the same location for several years; others stay in family court but move to other court locations. Some judges move out of family court altogether. CONN. GEN. STAT. § 51-197c (2006); Survey Response, Debra Kulak, Reg'l Manager, Court Services Div.—Family Div., in Wethersfield, Conn. (Jan. 23, 2006).

<sup>6</sup> Judges serve twelve-year terms, following gubernatorial appointments and senate confirmation. DEL. CODE ANN. tit. 10, § 906 (2006); Survey Response, Leann Summa, Dir. of Legal Affairs, Family Court Admin. Office, in Wilmington, Del. (Dec. 20, 2005).

<sup>7</sup> An individual assigned to serve as a judge of the family court of the superior court will serve for a term of five years. After the term of service expires, the judge may request to be assigned for additional service on the family court with the approval of the chief judge. At the request of the judge and approval of the chief judge, a judge may serve on the family court for the judge's entire term of service as a judge of the superior court under § 431(c) of the Home Rule Act. D.C. CODE § 11-908A (2006); Survey Response, Despina M. Belle-Isle, Attorney Advisor, Family Court, in Washington, D.C. (Jan. 25, 2006).

<sup>8</sup> Circuit court judges are elected for six-year terms and may be reelected. FLA. CONST. art. V, § 10. The chief judge exercises administrative supervision over all of the courts in the circuit and has the power to assign judges to any division of the court and to determine the length of the assignment. FLA. STAT. § 43.26 (2006). Judges who are assigned to the family division for the first time or who have not served in the family division for two years receive mandatory training in the fundamentals of family law within sixty days after assuming the assignment. The length of judge assignments to the family court is generally between one to three years. Survey Response, Sandra Neidert, Court Operations Consultant, in Tallahassee, Fla. (Nov. 30, 2005).

<sup>9</sup> Survey Response, Greg Arnold, Assistant Dir. for Research, Fulton County, in Atlanta, Ga. (Sept. 26, 2005).

<sup>10</sup> Term length varies. A district family court judge's term is six years; a circuit family court judge's term is ten years. Survey Response, Lillian K. Takaki, Law Clerk, Office of the Hon. Francis Wong, Senior Family Court Judge, in Honolulu, Haw. (Jan. 13, 2006).

<sup>11</sup> Circuit court judges are elected for six-year terms and may hear any kind of case. Some counties with family divisions do not set forth the length of judge terms. Other counties assign judges to permanently hear family/juvenile cases. One county rotates judges after two to three years for family/juvenile matters. Associate judges rotate assignments every three years. A circuit judge, who is not assigned unless he or she seeks a rotation, heads the family court division. Survey Response, Anthony F. Trapani, Admin. Office of the Ill. Courts, Court Services Div., in Springfield, Ill. (Jan. 17, 2006).

<sup>12</sup> The family court project has not addressed whether to assign specific judges to family law cases. By statute, judges in some counties are limited in jurisdiction, while some judges have the authority to hear all types of cases. Some counties establish by local rules that one or more judges will hear particular types of juvenile or family law matters, and those types of cases may only be filed in those courts. Judges serve six-year terms in the circuit and superior courts, and courts generally do not rotate judges among case types. IND. CODE ANN. § 3-10-2-11 (LexisNexis 2006); Survey Response, Frances G. Hill, Consultant, Ind. Family Court Project, Ind. Supreme Court, in Bloomington, Ind. (Dec. 4, 2005).

<sup>13</sup> Judges are either elected or appointed for four-year terms. Appointed judges stand for retention elections every four years. KAN. STAT. ANN. § 20-3006 (2006); Survey Response, Mark Gleeson, Family & Children's Program Coordinator, in Topeka, Kan. (Aug. 16, 2006).

<sup>14</sup> The judges in family court are part of the Kentucky Circuit Court and serve eight-year terms. KY. CONST. § 119. Family court judges spend eight years in family divisions. Survey Response, Kelly Stephens, Family Court Staff Attorney, Admin. Office of the Court, in Frankfurt, Ky. (Jan. 2006).

<sup>15</sup> The judges of East Baton Rouge Family Court, like those of district courts, are elected to a six-year term. LA. CONST. art. V, § 15(c); LA. REV. STAT. ANN. § 13:1403 (2006); Survey Response, Tracy Buccino, Research Attorney, La. Judicial Administrator's Office, in New Orleans, La. (Aug. 16, 2005).

<sup>16</sup> Judges in family courts/divisions serve a term of between two and ten years. Survey Response, Kirsten Skorpen, Family Div. Resource Coordinator, in Augusta, Me. (Jan. 3, 2006). All district court judges serve in the family division, and the chief judge has the discretion to assign judges to serve in designated regions. Maine State Government Website, *State of Maine Judicial Branch*, <http://www.courts.state.me.us> (last visited Nov. 4, 2007).

<sup>17</sup> Most judges serve in a family division for approximately eighteen months. Survey Response, Pamela Cardullo Ortiz, Executive Dir., Family Admin., Admin. Office of the Courts, in Annapolis, Md. (Aug. 4, 2006).

<sup>18</sup> Judges serve a life term upon appointment. Judges are assigned permanently to the family court, with a mandatory retirement age of seventy. Survey Response, John E. McNichols, Court Adm'r, Admin. Office of Probate & Family Court, in Boston, Mass. (Jan. 26, 2006).

<sup>19</sup> Judges serve six-year terms. The chief judge of the circuit court, however, can determine the length of a judge's service on the family court. Judges serving on the family court also receive appropriate training as required by the Michigan Supreme Court. MICH. COMP. LAWS § 600.1011 (2006); Survey Response, Roland Fancher, Family Div. Adm'r, in Kalamazoo County, Mich. (Jan. 10, 2006).

<sup>20</sup> The length of time judges serve in family court varies from county to county as well as district to district. In counties with family court divisions, however, the term of service in family court generally is two to ten years. Judges in Minnesota generally are appointed and then subject to reelection every six years. Survey Responses, Craig Hagensick, Research Analyst, & Chris Ruhl, Courts Project Manager, Minn. Supreme Court, Court Services Div., in St. Paul, Minn. (Feb. 7, 2006).

<sup>21</sup> State law provides a term of four years unless different terms are approved by local jurisdictions. MO. REV. STAT. § 487.050 (2006); Survey Response, Norma Rahm, Family Court Coordinator, Office of State Courts Adm'r, in Jefferson City, Mo. (Jan. 30, 2006).

<sup>22</sup> The term of office for a district judge is six years. NEV. CONST. art. 6, § 5; *see also* NEV. REV. STAT. §§ 3.013-3.017 (2006) (which provides that in districts with family courts, district court judges are designated as judges of the family court); The Supreme Court of Nevada, [www.nvsupremecourt.us](http://www.nvsupremecourt.us) (last visited Nov. 4, 2007).

<sup>23</sup> Once a judge is appointed in New Hampshire, the judge serves for life until requirement at age seventy. N.H. REV. STAT. ANN. § 493:2 (2006); Survey Response, Gina B. Apicelli, Family Div. Adm'r, Admin. Office of the Family & Dist. Courts, in Concord, N.H. (Jan. 19, 2006).

<sup>24</sup> Judicial terms vary, but the average is three years in family court. Survey Response, Harry T. Cassidy, Assistant Dir., Admin. Office of the Courts, in Trenton, N.J. (Aug. 22, 2005).

<sup>25</sup> Judges are elected to six-year terms. Judges on the district court can request assignment to family court. Survey Response, Fern Goodman, Gen. Counsel, N.M. Admin. Office of the Courts, in Albuquerque, N.M. (September 2006).

<sup>26</sup> Judges serve ten-year terms, subject to reappointment in New York City or reelection outside of New York City. N. Y. CONST. art. VI, § 13; Survey Response, Janet Fink, Deputy Counsel, N.Y. State Unified Court Sys., in New York, N.Y. (Aug. 1, 2005).

<sup>27</sup> Two-year terms are encouraged, but terms range from six months to five years. When judges are assigned to the family court, they undergo two weeks of family court orientation. Additionally, each family court judge receives two days of continuing education each year. Survey Response, Jan Hood, Court Mgmt. Specialist, Admin. Office of the Courts, in Raleigh, N.C. (Sept. 29, 2005).

<sup>28</sup> Each judge in a judicial district shall hold office for six years. N.D. CENT. CODE § 27-05-02 (2006). Due to the relative newness of the Family Court Project in Grand Forks, the assignment of judges to family court and judge terms has not yet been decided. Survey Response, Amy Bohn, Family Court Project, Dist. Court, in Grand Forks, N.D. (Aug. 19, 2005).

<sup>29</sup> Judges are elected to six-year terms. OHIO REV. CODE ANN. § 2301.01 (2006). Judges are elected to specific divisions and maintain their term in that division. OHIO REV. CODE ANN. § 2301.03 (2006). Whether the judge hears exclusively family law cases depends on the jurisdictional arrangement of the particular county. The Ohio Court of Common Pleas' General Division may be combined with probate, juvenile, and domestic relations divisions in some counties. Survey Responses, Gretchen Beam, Program Assistant, Steve Hanson, Family Law Caseload Manager, & Diane Hatcher, Manager, Case Mgmt. Section, Supreme Court of Ohio, in Columbus, Ohio (Aug. 22, 2005).

<sup>30</sup> In every judicial district where a family court is established, the presiding judge may assign one or more judges to serve in the family court department. Judges serving in the family court department have the same jurisdiction, authority, powers, functions, and duties as any other circuit court judge and shall be elected and qualified in the same manner. OR. REV. STAT. § 3.405 (2006). Judges are elected to six-year terms. OR. CONST. Art. VII, § 1. Some courts assign judges exclusively to family law matters, but others do not. The length of time that a judge oversees a family law docket varies court by court. Survey Response, Bealisa Sydlik, Family Law Senior Policy Analyst, in Salem, Or. (Aug. 11, 2005).

<sup>31</sup> The state of Pennsylvania does not assign jurists; that is a county-level function. State trial judges serve for a term of ten years. The substance of their dockets is contingent on the county case assignment practices. 42 PA. CONS. STAT. § 3152 (2006); Survey Response, Kim Nieves, Assistant Dir. of Policy & Research, in Philadelphia, Pa. (Jan. 5, 2006).

<sup>32</sup> Rhode Island family court judges have no retirement age requirement. The judges rotate on two-year calendar terms and hear exclusively family court cases. R.I. GEN. LAWS § 8-3-7 (2006); Survey Response, David M. Tassoni, Deputy Adm'r, in Providence, R.I. (Dec. 2005).

<sup>33</sup> Each family court judge serves a four-year term. S.C. CODE ANN. § 14-8-20 (2005). There is no limitation on the number of reelections, except that the mandatory retirement age is seventy-two. Survey Response, Tiffany Raines, Family Court Representative, in Columbia, S.C. (Jan. 11, 2006).

<sup>34</sup> District court judges are elected to four-year terms. TEX. CONST. art. V, § 7; Survey Response, Maria Elena Ramon, Assistant Gen. Counsel, Office of Court Admin., in Austin, Tex. (Aug. 18, 2005).

<sup>35</sup> There are fifteen superior court judges and seventeen district court judges who are assigned to the family court. There also are five child support magistrates. Judges have general training in all courts. The Vermont Supreme Court will select one superior or district court judge to serve as administrative judge, who will assign the superior or district court judges to hear family court matters. The judges operate on a rotation system through family, criminal, and civil courts. The judges have an assignment for one year. VT. STAT. ANN. tit. 4, § 73 (2006). In larger counties, judges may sit exclusively in family court for the entire one-year assignment, but in smaller counties, the judges may have concurrent responsibility with the district and superior courts. Survey Response, Sandra Seidel, Manager, Family Court Operations, in Montpelier, Vt. (Aug. 30, 2005).

<sup>36</sup> Judges typically sit for a term of one to two years, depending on the county. In some counties, however, the judges appointed to hear family law cases may rotate on a monthly basis. Judges in unified family courts hear exclusively family law cases. In counties where there is more than one superior judge, the court will annually designate one or more judges to hear all of the family court cases on the calendar. Judges in counties without a unified family court hear family law cases while on family law dockets and, depending upon their court's caseload, may hear cases on other dockets. WASH. REV. CODE § 26.12.020 (2006); Survey Response, Janet Skreen, Juvenile & Family Court Legislation, Senior Court Program Analyst, Admin. Office of the Courts, in Olympia, Wash. (Feb. 28, 2005).

<sup>37</sup> When the statute was enacted in 2002, the term of office for all family court judges was for six years, and judges must face reelection in 2008 for an additional eight-year term. After 2008, every judge's subsequent term will be for an eight-year period. W. VA. CODE § 51-2A-5 (2006); Survey Response, Alison Chambers, Dir., Family Court Services, Admin. Office of the Courts, in Charleston, W. Va. (Aug. 18, 2005).

<sup>38</sup> Judges serve terms of six years. WIS. STAT. § 753.01 (2006). The judges in LaCrosse and Monroe counties keep their cases in the family court for the duration of their tenure. Kenosha and Dane counties have rotation systems and may end up doing it differently. Survey Response, Marcia Vandercook, Senior Policy Analyst, Wis. Dir. of State Court's Office, in Madison, Wis. (July 14, 2006).

**APPENDIX D****Case Assignment Methods within Family Courts/Divisions/Departments (Including Planned or Pilot Courts)**

<i>State</i>	<i>Traditional Calendar Assignment<sup>1</sup></i>	<i>One Judge/ One Family<sup>2</sup></i>	<i>One Judge/ One Case<sup>3</sup></i>	<i>Varies or Undetermined<sup>4</sup></i>
Alabama			X <sup>5</sup>	
Arizona		X <sup>6</sup>		
California	X <sup>7</sup>			
Colorado				X <sup>8</sup>
Connecticut	X <sup>9</sup>			
Delaware		X <sup>10</sup>		
District of Columbia		X <sup>11</sup>		
Florida				X <sup>12</sup>
Georgia		X <sup>13</sup>		
Hawaii		X <sup>14</sup>		
Illinois				X <sup>15</sup>
Indiana				X <sup>16</sup>
Kansas				X <sup>17</sup>
Kentucky		X <sup>18</sup>		
Louisiana				X <sup>19</sup>
Maine				X <sup>20</sup>
Maryland				X <sup>21</sup>
Massachusetts			X <sup>22</sup>	
Michigan				X <sup>23</sup>
Minnesota				X <sup>24</sup>
Missouri				X <sup>25</sup>
Nevada				X <sup>26</sup>
New Hampshire		X <sup>27</sup>		
New Jersey		X <sup>28</sup>		
New Mexico			X <sup>29</sup>	
New York				X <sup>30</sup>
North Carolina		X <sup>31</sup>		
North Dakota		X <sup>32</sup>		
Ohio		X <sup>33</sup>		
Oregon		X <sup>34</sup>		
Pennsylvania				X <sup>35</sup>
Rhode Island			X <sup>36</sup>	
South Carolina	X <sup>37</sup>			
Texas				X <sup>38</sup>
Vermont	X <sup>39</sup>			
Washington				X <sup>40</sup>
West Virginia			X <sup>41</sup>	
Wisconsin		X <sup>42</sup>		

<sup>1</sup> Traditional calendar assignment, in this Appendix, is defined as the standard procedure utilized by the clerk of court to assign all civil matters to the respective judges on a daily, weekly, monthly, or other regularly scheduled basis.

<sup>2</sup> One judge/one family case assignment, in this Appendix, is defined as one judge assigned to a family for all proceedings before the court involving that family.

<sup>3</sup> One judge/one case assignment, in this Appendix, is defined as one judge assigned to a case for the life of that case, including any motions and modifications related to the case.

<sup>4</sup> Case assignments vary within the jurisdiction, or there is a combination of case assignment methods employed.

<sup>5</sup> Survey Response, John W. Davis, Retired Family Court Judge, Admin. Consultant to Family Courts, in Montgomery, Ala. (Jan. 13, 2006).

<sup>6</sup> Pinal and Coconino counties have populations between 150,000 and 250,000 people; therefore, the plan is for case assignments to be one judge/one family. Survey Response, Phillip Knox, Deputy Court Adm'r, in Phoenix, Ariz. (Aug. 16, 2006).

<sup>7</sup> Many of California's fifty-eight local trial courts (superior courts) have family divisions within them with family law presiding or supervising judges and dedicated departments with full-time judges and commissioners assigned to hear only family law matters. This is uniformly true in the courts located in the largest counties. Survey Response, Deborah Chase, Senior Attorney, Ctr. for Families, Children & the Courts, in San Francisco, Cal. (Jan. 5, 2006); Survey Response, Julia Weber, Supervising Attorney, Ctr. for Families, Children & the Courts, Admin. Office of the Courts, in San Francisco, Cal. (Aug. 8, 2006).

<sup>8</sup> Rotations and case assignments vary from district to district. Survey Response, Bill Delisio, Court Improvement Coordinator, in Denver, Colo. (Aug. 16, 2006).

<sup>9</sup> CONN. GEN. STAT. §§ 46b-4, 46b-5 (2006); Survey Response, Debra Kulak, Reg'l Manager, Court Services Div.—Family Services, in Wethersfield, Conn. (Jan. 23, 2006).

<sup>10</sup> Survey Response, Leann Summa, Dir. of Legal Affairs, Family Court Admin. Office, Wilmington, Del. (Dec. 20, 2005).

<sup>11</sup> D.C. CODE § 11-1104 (2006); Survey Response, Despina M. Belle-Isle, Attorney Advisor, Family Court, in Washington, D.C. (Jan. 25, 2006).

<sup>12</sup> A 2001 Florida Supreme Court opinion allows for Florida circuits to adopt either the traditional calendar assignment or the one judge/one family method. *In re* Report of the Family Court Steering Committee, 794 So. 2d 518 (Fla. 2001) ("Family Courts IV"). The model family court involves more than coordinating related cases, even though that is a defining element. The family courts also emphasize case management, alternative dispute resolution, early identification of social service needs, referrals to services, security, judicial training, and community collaboration. Survey Response, Sandra Neidert, Court Operations Consultant, in Tallahassee, Fla. (Oct. 5, 2006).

<sup>13</sup> The Atlanta Judicial District, Fulton County Family Division, was designed around the one family/one judge concept, which seeks to consolidate multiple court cases involving the same family under one judge. Specifically, two judges hear 90–95% of the family law caseload along with superior court matters of general jurisdiction. Survey Response, Greg Arnold, Assistant Dir. for Research, Fulton County, in Atlanta, Ga. (Aug. 17, 2006).

<sup>14</sup> One judge/one family case assignments exist within the family court division, with the exception of the adult criminal division (the four family court divisions are domestic, juvenile, adult criminal, and special). Survey Response, Lillian K. Takaki, Law Clerk of Hon. Francis Wong, Senior Family Court Judge, in Honolulu, Haw. (Jan. 13, 2006).

<sup>15</sup> Six counties in Illinois follow a traditional assignment method; one county follows the one judge/one case method while six counties use the one judge/one family method, and five others vary. Survey Response, Anthony F. Trapani, Admin. Office of the Ill. Courts, Court Services Div., in Springfield, Ill. (Jan. 17, 2006).

<sup>16</sup> Indiana uses two methods—one judge/one family and information sharing between multiple courts for multiple case families. Under information sharing, cases are assigned to judges under regular case assignments. When a family court coordinator or judge determines that a family's multiple cases should be coordinated, a family court assignment is created and a case manager formulates family court reports for judges and parties involved in the family's different cases. Although not before one judge, the cases are coordinated through a case management report to avoid inconsistent and uninformed orders with multiple case families. Survey Response, Frances G. Hill, Consultant, Ind. Family Court Project, Ind. Supreme Court, in Bloomington, Ind. (Feb. 28, 2006).

<sup>17</sup> Urban districts are more likely to have judges dedicated to child welfare, juvenile offender, domestic abuse, and protection from abuse cases. In areas outside urban districts, family law case assignments tend to be assigned to a specific judge, but that judge may also hear other types of cases. Judges do not hear these cases for a set length of time. Survey Response, Mark Gleeson, Family & Children's Program Coordinator, in Topeka, Kan. (Aug. 16, 2006).

<sup>18</sup> Survey Response, Kelly Stephens, Family Court Staff Attorney, Admin. Office of the Court, in Frankfurt, Ky. (Jan. 6, 2006).

<sup>19</sup> Courts generally appear to follow a one judge/one family rule. *See, e.g.*, PARISH OF ORLEANS CIVIL DISTRICT COURT, RULE 25.0. (2006); Survey Response, Tracy Buccino, Research Attorney, La. Judicial Administrator's Office, in New Orleans, La. (Aug. 16, 2005).

<sup>20</sup> Case assignments vary depending on the jurisdiction involved. Survey Response, Kirsten Skorpen, Family Div. Resource Coordinator, in Augusta, Me. (Jan. 3, 2006).



- <sup>21</sup> The Maryland Administrative Office of the Courts has recently rearticulated one judge or master/one family as a “best practice” for child abuse/neglect and termination of parental rights cases, and this is being vigorously implemented for child welfare cases in two model courts (Baltimore City and Charles County). Survey Response, Pamela Cardullo Ortiz, Executive Dir., Family Admin., Admin. Office of the Courts, in Annapolis, Md. (Aug. 4, 2006).
- <sup>22</sup> Survey Response, John E. McNichols, Court Adm’r, Admin. Office of Probate & Family Court, in Boston, Mass. (Jan. 26, 2006).
- <sup>23</sup> It varies now, but one judge/one family is the goal. MICH. COMP. LAWS § 600.1023 (2006); Survey Response, Roland Fancher, Family Div. Adm’r, in Kalamazoo County, Mich. (Jan. 10, 2006).
- <sup>24</sup> The method of assigning judges in family cases (including child protection cases in juvenile court) varies from county to county. In the two largest counties (Hennepin and Ramsey) and in at least four other metropolitan-area counties, judges are assigned to family court and juvenile court for a time-specific period of rotation, varying from six months to two years. Within those counties, most attempt to follow the best practice of one judge/one case for both family and juvenile court cases and, where possible, many attempt to also follow the concept of one judge/one family, though that is more rare because of calendaring issues. In many other smaller counties, only one judge is chambered, and that judge handles all cases in the county. Thus, by default, those counties follow one judge/one family. In most other counties, judges are assigned by the traditional calendaring method. Survey Responses, Judy Nord, Staff Attorney, Children’s Justice Initiative, State Court Administrator’s Office, Craig Hagensick, Research Analyst, & Chris Ruhl, Court Projects Manager, Minn. Supreme Court, Court Services Div., in St. Paul, Minn. (Sept. 29, 2005).
- <sup>25</sup> Most cases follow traditional assignment methods; however, some follow the one judge/one case assignment method. Case assignment methods vary by circuit. Survey Response, Norma Rahm, Family Court Coordinator, Office of State Courts Adm’r, in Jefferson City, Mo. (Jan. 30, 2006).
- <sup>26</sup> Nevada’s two largest judicial districts, Las Vegas and Reno, have separate family courts. In those two areas, district courts follow the one judge/one family method as often as possible. The other seven judicial districts handle family matters as part of their regular caseload. Survey Response, Robin Sweet, Senior Court Research Analyst, Admin. Office of the Courts, in Carson City, Nev. (Oct. 26, 2005).
- <sup>27</sup> Although New Hampshire attempts to follow the one judge/one family approach, there are some circumstances where this does not play out in its entirety. The marital masters cannot hear the entire range of cases within the family division jurisdiction. In those cases, however, the court tries to team one judge/one marital master so that one team hears all matters involving one family. Survey Response, Gina B. Apicelli, Family Div. Adm’r, Admin. Office of the Family & Dist. Courts, in Concord, N.H. (Jan. 19, 2006).
- <sup>28</sup> The model structure of the family division, adopted in 1999, provides for a team structure case. Cases are assigned to judges and are retained by the judges generally throughout the life of the case. A computer system, containing all family cases, is used to screen cases to ensure consistent assignment and to ensure that the judge will be aware of any past or pending cases that are relevant to the current case. The judge retains the option to hear all pending matters whenever necessary. Survey Response, Harry T. Cassidy, Assistant Dir., Admin. Office of the Courts, in Trenton, N.J. (Dec. 23, 2005).
- <sup>29</sup> Survey Response, Fern Goodman, Gen. Counsel, N.M. Admin. Office of the Courts, in Albuquerque, N.M. (Sept. 2006).
- <sup>30</sup> Assignment methods vary. An increasing number of counties have implemented the one family/one judge method, while others retain the one judge/one case method and divide the courts into specialty areas. According to Laws of 2006, ch. 185, the method is one judge/one family for parental rights terminations, surrenders, and adoptions. A.B. 8655, 229th Leg. Reg. Sess. (N.Y. 2006) (enacted). Otherwise, assignment methods vary. Survey Response, Janet Fink, Deputy Counsel, N.Y. State Unified Court Sys., in New York, N.Y. (Aug. 1, 2005).
- <sup>31</sup> Survey Response, Jan Hood, Court Mgmt. Specialist, Admin. Office of the Courts, in Raleigh, N.C. (Jan. 4, 2006).
- <sup>32</sup> Case bundling and assignment of the bundled cases to one judge are the core concepts of the case management system for the family court. While criminal cases are not included in family court, a criminal history, including the status and outcome of criminal cases, is included in the initial history data sheet provided to the judge. Survey Response, Amy Bohn, Family Court Project, in Grand Forks, N.D. (Aug. 8, 2005).
- <sup>33</sup> A majority of family courts use the one judge/one family model. Survey Response, Steven W. Hanson, Family Law Caseflow Manager, Supreme Court of Ohio, in Columbus, Ohio (Jan. 24, 2006).
- <sup>34</sup> The circuit courts that have aspects of a family court have one judge/one family case management, and include staff such as “family court coordinators” and “family court clerks.” Survey Response, Bealisa Sydlík, Family Law Senior Policy Analyst, in Salem, Or. (Aug. 11, 2005).
- <sup>35</sup> Case assignments vary depending on the jurisdiction involved. Survey Response, Kim Nieves, Assistant Dir. of Policy & Research, in Philadelphia, Pa. (Jan. 5, 2006).

<sup>36</sup> Survey Response, David M. Tassoni, Deputy Adm'r, in Providence, R.I. (December 2005).

<sup>37</sup> Survey Response, Tiffany Raines, Family Court Representative, in Columbia, S.C. (Jan. 24, 2006).

<sup>38</sup> Case assignment methods vary according to the particular district court, but the majority use the traditional calendar or one judge/one case methods. This is determined at the local level by the judges. Survey Response, Maria Elena Ramon, Assistant Gen. Counsel, Office of Court Admin., in Austin, Tex. (July 24, 2006).

<sup>39</sup> Survey Response, Sandra Seidel, Manager, Family Court Operations, in Montpelier, Vt. (Jan. 24, 2006).

<sup>40</sup> Washington's case assignment methods vary. The Washington superior courts are general jurisdiction courts. The superior courts have calendars dedicated to family court (both family law and dependency proceedings), but they are still part of the superior court. In small, rural areas, where there is just one judge, the one judge/one family method operates. Some counties adopt local rules regarding case assignment. Survey Response, Janet Skreen, Juvenile & Family Court Legislation, Senior Court Program Analyst, Admin. Office of the Courts, in Olympia, Wash. (Feb. 28, 2006).

<sup>41</sup> Survey Response, Alison Chambers, Dir., Family Court Services, Admin. Office of the Courts, in Charleston, W. Va. (Jan. 20, 2006).

<sup>42</sup> In LaCrosse and Monroe counties, identified cases for unified family court must have an underlying child abuse and neglect case. All other cases for the family are then assigned to the judge with the underlying child abuse and neglect case for the duration of the cases. Assigning multiple cases of one family to one judge enables the judge to make a fully informed decision. Kenosha and Dane counties may eventually work differently. Survey Response, Marcia Vandercook, Senior Policy Analyst, Wis. Dir. of State Court's Office, in Madison, Wis. (Aug. 2005).

## APPENDIX E

### Comparison Chart: 1998 Status To Present

<i>Nationwide Figures*</i>	<i>1998</i>	<i>2006</i>
Statewide Family Courts	11	15
Family Courts in Selected Areas of State	14	18
Pilot/Planned Family Courts	9	5
No Family Court	17	13

**APPENDIX F****State-By-State Comparison of Family Justice Systems**

<i>State</i>	<i>1998</i>	<i>2006</i>	<i>Change</i>
Alabama	SELECTED	SELECTED	N
Alaska	NFC	NFC	N
Arizona	NFC	P/P	Y
Arkansas	NFC	NFC	N
California	P/P	SELECTED	Y
Colorado	SELECTED	SELECTED	N
Connecticut	NFC	STATEWIDE	Y
Delaware	STATEWIDE	STATEWIDE	N
District of Columbia	STATEWIDE	STATEWIDE	N
Florida	STATEWIDE	STATEWIDE	N
Georgia	P/P	P/P	N
Hawaii	STATEWIDE	STATEWIDE	N
Idaho	NFC	NFC	N
Illinois	P/P	SELECTED	Y
Indiana	NFC	P/P	Y
Iowa	NFC	NFC	N
Kansas	SELECTED	SELECTED	N
Kentucky	P/P	SELECTED	Y
Louisiana	SELECTED	SELECTED	N
Maine	P/P	STATEWIDE	Y
Maryland	P/P	SELECTED	Y
Massachusetts	STATEWIDE	STATEWIDE	N
Michigan	P/P	STATEWIDE	Y
Minnesota	NFC	SELECTED	Y
Mississippi	SELECTED	NFC	Y
Missouri	SELECTED	SELECTED	N
Montana	NFC	NFC	N
Nebraska	NFC	NFC	N
Nevada	SELECTED	SELECTED	N
New Hampshire	P/P	SELECTED	Y
New Jersey	STATEWIDE	STATEWIDE	N
New Mexico	SELECTED	SELECTED	N
New York	STATEWIDE	STATEWIDE	N
North Carolina	NFC	P/P	Y
North Dakota	NFC	P/P	Y
Ohio	SELECTED	SELECTED	N
Oklahoma	SELECTED	NFC	Y
Oregon	SELECTED	SELECTED	N
Pennsylvania	SELECTED	SELECTED	N
Rhode Island	STATEWIDE	STATEWIDE	N
South Carolina	STATEWIDE	STATEWIDE	N
South Dakota	NFC	NFC	N
Tennessee	NFC	NFC	N
Texas	SELECTED	SELECTED	N
Utah	NFC	NFC	N
Vermont	STATEWIDE	STATEWIDE	N
Virginia	P/P	NFC	Y
Washington	STATEWIDE	STATEWIDE	N
West Virginia	NFC	STATEWIDE	Y
Wisconsin	SELECTED	SELECTED	N
Wyoming	NFC	NFC	N

STATEWIDE = Family Courts Statewide; SELECTED = Family Courts in Selected Areas of State; P/P = Pilot/Planned Family Courts; NFC = No Family Court.