

Legislative Brief

Utah's First Family Impact Seminar Family Courts: Past and Future

January 31, 2011, 12-2:00 pm
State Office Building Auditorium

Presenters:

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Discussants:

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Background:

In 1994, the Utah State Courts commissioned a task force to discuss the issue of whether or not Utah should begin a family court system. In 2009, a few members of the legislature questioned what the outcome of the task was and what happened to the family court system. The first Family Impact Seminar was held to discuss the matter.

Family Courts:

Unified Family Courts are designed to be a single court system to serve families better. Family Courts provide:

- Comprehensive subject matter
- Jurisdiction with specially trained and interested judges
- Address legal, social and emotional issues with a holistic approach
- One family, one judge or one case, one team
- Efficiency and compassion

Family Courts in the US:

Family Courts seem to be increasing in the United States. Australia has dedicated a fair amount of their budget to support family stability.

- 15 states have statewide family courts;
- 5 states have planned or pilot versions of family courts
- 15 states have family courts in selected areas
- 13 states have no specialized system to handle family legal issues (Utah is counted among those—possibly incorrectly)

Benefits of Family Courts:

Family Courts are based on the view that law can be a therapeutic agent. It can be a social force that may produce therapeutic consequences (or anti-therapeutic consequences). Outcomes are dependent on the rules and laws implemented and the behaviors of legal actors.

- Determined by individual's viewpoints
- Court's role is an attempt to honor and assess those viewpoints
- Empower individuals by allowing them to learn self-determining behavior
- Empower judges by allowing them to be creative and consider alternatives
- Promote family harmony or preservation

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FAMILY COURTS

Potential topics for 2013

Financial security of families
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Access to mental health services
Building a regional economy
Cutting edge technology
Fatherhood
Literacy
Improving Government Efficiency
Childhood obesity
Autism
Supporting soldiers and families

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Andrew Cherlin writes: "...at it's best, the two-parent family is hard to beat for child-rearing. Stable, low-conflict families with two biological or adoptive families provide better environments, on average, than do other living arrangements." (*The Marriage-Go-Round, 2009*)

"Family law is largely about distributing loss." (*Patrick Parkinson, The Indissolubility of Parenthood, 2011*).

Results of Utah Family Court Initiatives

The results of the task force suggested that Utah would benefit in a Family Court System; however, structural change alone would not solve the problem. Recommendations included: 1) non-adversarial procedures; 2) communications amongst the court; 3) case management; and 4) coordination between the court and agencies.

Current System in Utah:

The Standing Committee on Children and Family Law is a result of the workshop held in 1999. Transition 1994 to current system was completed in 1996. In 1999 the judicial council revisited the changes. Six initiatives came from this discussion:

1. Improve communication between the courts
2. Statewide mandatory mediation in all contested child custody
3. Appointed Guardian ad Litem in all cases where abuse and neglect is alleged
4. Improve quality and timeliness of custody evaluations
5. Permit parties to submit a statement of the case in lieu of testimony
6. Appoint the standing committee (Children and Family Law).

Progress:

The latest information from our Deputy State Court Administrator indicates that we have a type of Family Court System through the Juvenile Court system. Quarterly meetings are held with Co-Chairs coming from different court levels. Some of the outcomes are:

- Adoption of Rule 100 allowing courts to communicate on cases
- Mandatory divorce mediation and divorce education
- Guardian ad Litem in cases where abuse and neglect is alleged
- Improvements to child custody evaluation by adoption of Rule 4-903 establishing uniform custody evaluations

Current agenda items:

- Divorce Procedures
- Adoptions
- Youth Charged as an Adult
- Special Masters

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