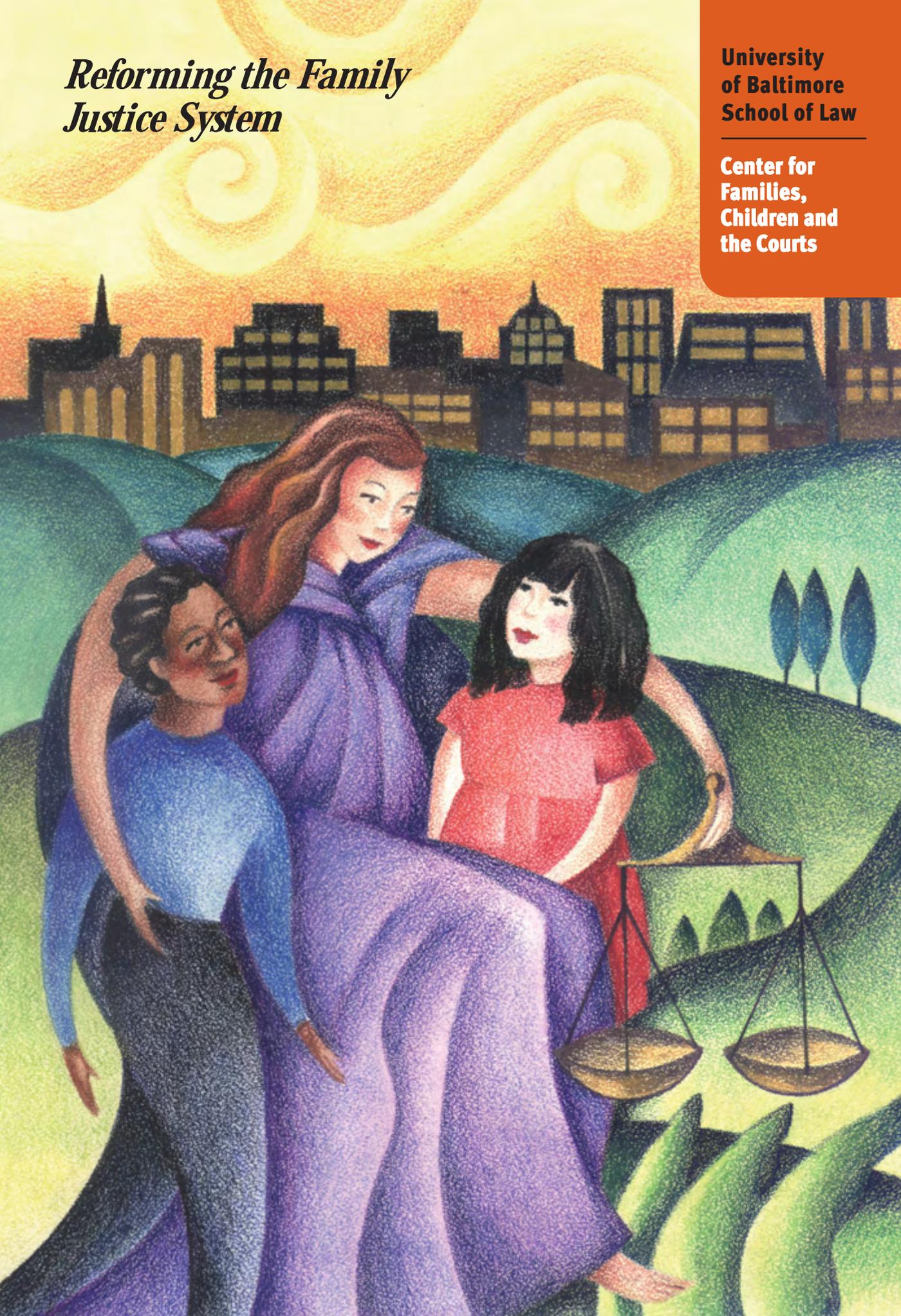


# *Reforming the Family Justice System*

University  
of Baltimore  
School of Law

Center for  
Families,  
Children and  
the Courts





The Center for Families, Children and the Courts is a national leader in promoting the concept of a unified family court system throughout the country to resolve family conflicts in a therapeutic, ecological and service-based manner. CFCC brings the classroom into the community by creating relationships with neighborhoods, government and individuals. At CFCC, real-world problems such as truancy are met with real solutions and informed by appropriate legal theory or doctrine.

*The mission of the Center for Families, Children and the Courts is to create, foster and support a national movement to integrate communities, families and the justice system to improve the lives of families and the health of the community.*

Barbara A. Babb  
*Director, CFCC*  
*Associate Professor of Law*



## Reforming the Family Justice System

As a national leader in the movement to reform the family justice system, CFCC is instrumental in generating policy initiatives, preparing action-oriented reports and projects, and providing educational programs that focus on the wide range of issues enveloping relationships among parents, children and the judiciary.

In reforming the family justice system, CFCC focuses on the components that characterize a unified family court system. A central tenet of that system is therapeutic jurisprudence, involving intervention in family problems to make matters better and not worse. For example, in working with judges and court personnel in Maryland, the outcome facilitated by CFCC was a mission statement for Maryland's Family Divisions intended "to provide a fair and efficient forum to resolve family legal matters in a problem-solving manner, with the goal of improving the lives of families and children who appear before the court."

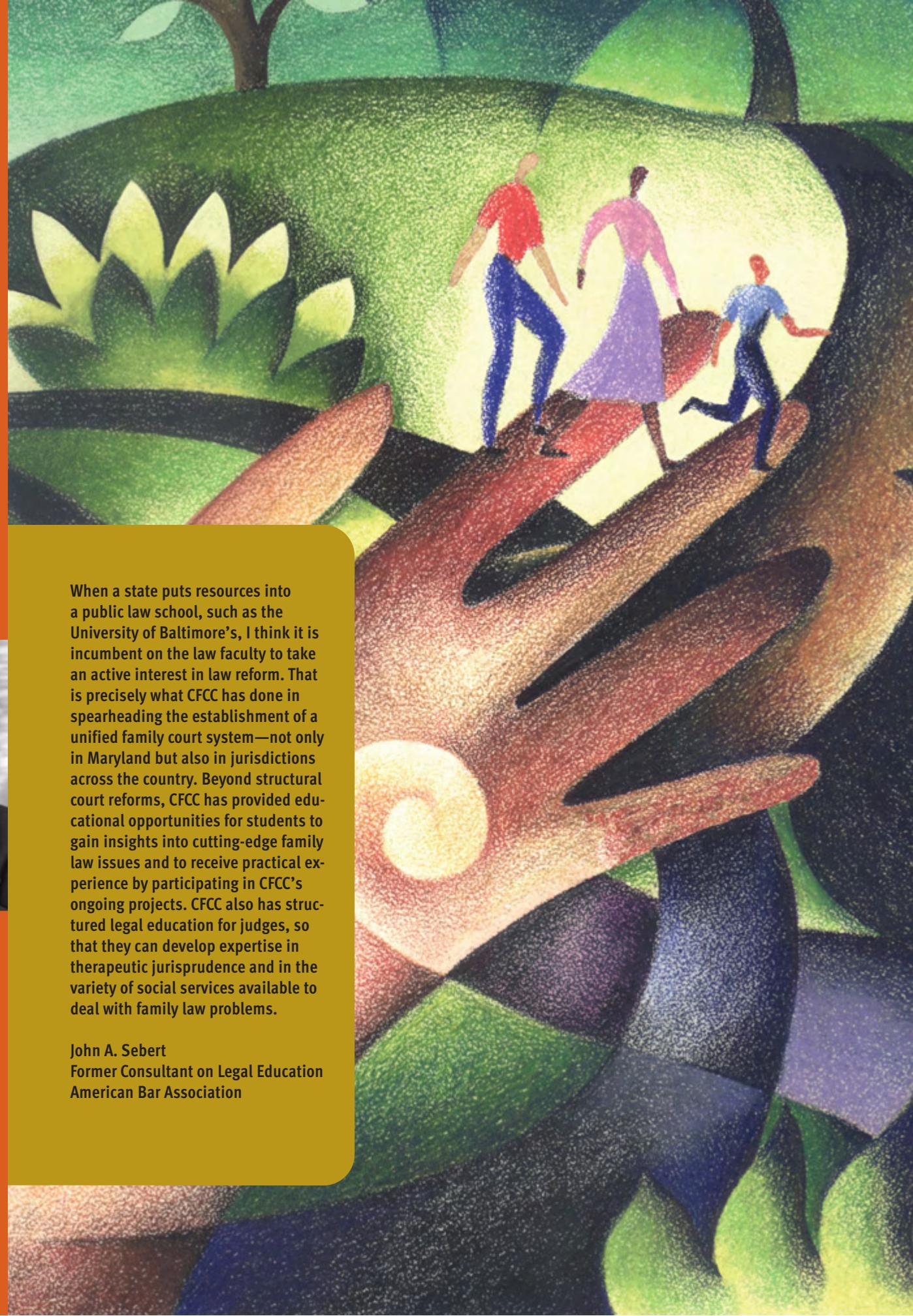
The other foundation of CFCC is the ecology of human development. This is a research paradigm from the social sciences that instructs investigators to look at the many different systems affecting the lives of families and children. It is a holistic approach that explores the interrelationships among families, children, schools, faith-based institutions, places of employment and community groups.

In developing and implementing a strategy for each of its projects, CFCC engages in a process that attempts to reach a broad-based consensus among diverse stakeholders. With CFCC as a facilitator, individuals and organizations enter into discussions to achieve common ground on issues that may appear controversial and divisive. CFCC formulates an effective and practical plan drawn from the interests and insights expressed by participating stakeholders. Once in place, the plan is evaluated and implemented by CFCC.



When a state puts resources into a public law school, such as the University of Baltimore's, I think it is incumbent on the law faculty to take an active interest in law reform. That is precisely what CFCC has done in spearheading the establishment of a unified family court system—not only in Maryland but also in jurisdictions across the country. Beyond structural court reforms, CFCC has provided educational opportunities for students to gain insights into cutting-edge family law issues and to receive practical experience by participating in CFCC's ongoing projects. CFCC also has structured legal education for judges, so that they can develop expertise in therapeutic jurisprudence and in the variety of social services available to deal with family law problems.

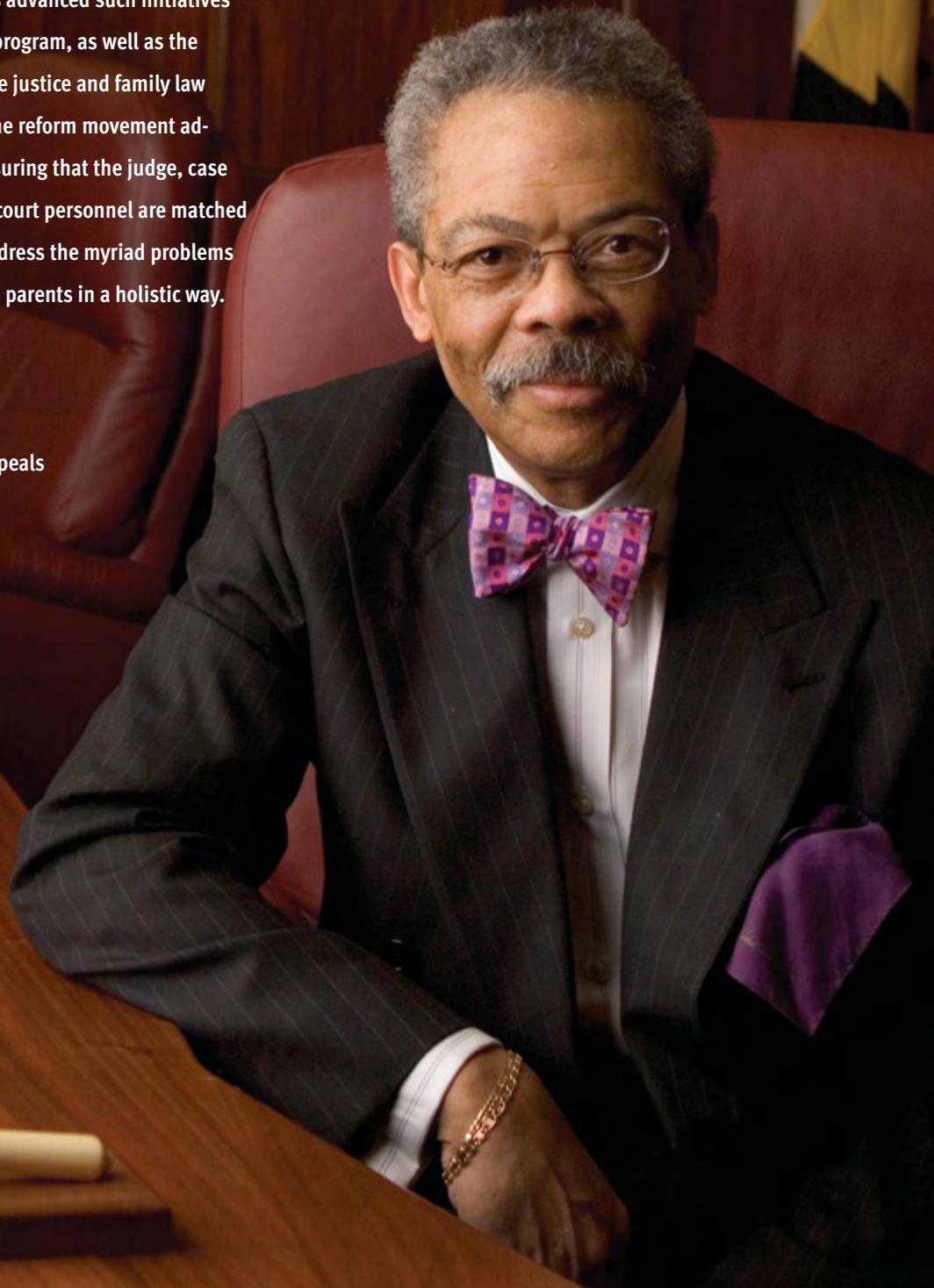
**John A. Sebert**  
Former Consultant on Legal Education  
American Bar Association



## CFCC Objectives

The Family Divisions have emerged as an organic component of our Circuit Courts—not by fiat but from the collaborative participation of judges, legislators, practitioners and advocates. As a leading advocate, CFCC has been instrumental in the development of the unified family court system in Maryland and throughout the nation. A principal force for reform, CFCC has established forums to better educate judges presiding in family courts and has advanced such initiatives as the truancy court program, as well as the integration of juvenile justice and family law services. Central to the reform movement advanced by CFCC is ensuring that the judge, case managers and other court personnel are matched with one family to address the myriad problems faced by children and parents in a holistic way.

Robert M. Bell  
Chief Judge  
Maryland Court of Appeals



*The focus of CFCC is on key objectives such as:*

- **promoting the concept of a unified family court system throughout the country** that embraces therapeutic jurisprudence to bring about salutary outcomes to family conflicts. This system also incorporates the ecology of human development to examine the institutional and family interrelationships affecting the lives of children and parents.
- **improving the delivery of legal, social, judicial, administrative and other services to families within the family justice system.** In adopting a unified family court model, jurisdictions provide children and family members with a one-family, one-judge or one-family, one-team approach that ensures continuity and coordination in delivering appropriate legal and nonlegal services.
- **providing training programs to help educate judges and court staffs** on family law issues with a problem-solving focus that engages and resolves the very personal and complex issues involved in family justice proceedings.
- **servicing as an educational and informational forum** with the publication of a professional journal, newsletter and special reports to inform the justice community. The CFCC Student Fellows Program for law students examines policies and theories surrounding court reform in family law and engages students in the practical application of those policies and theories.
- **collaborating with national and international organizations,** including the American Bar Association and the Association of Family and Conciliation Courts, to establish a national platform from which to enhance the functionality and visibility of the family justice system.

With funding provided by our agency, CFCC helped the judiciary develop performance standards and measures that we apply annually to evaluate Family Divisions across the state. The standards establish criteria designed to produce positive and helpful results for families and children involved with the family justice system. CFCC has been a key partner in promoting family court reform in our state. Its work helps courts and their community partners remain focused on how our work can benefit families.

Pamela Cardullo Ortiz  
Executive Director  
Department of Family Administration  
Administrative Office of the Courts  
Maryland Judicial Center



*Employing a process that translates the diverse expectations of stakeholders into commonly held positions on family justice issues, CFCC offers the following services:*

**technical assistance** to jurisdictions across the country to develop standards, implement procedures and evaluate the performance of unified family courts

**A Problem-Solving Judicial Environment**

In a widely distributed report, *Performance Standards and Measures for Maryland's Family Divisions*, CFCC underscored the need for a judicial environment in which family legal problems are addressed by judges, court staff and attorneys in a fair and problem-solving forum. The report established the standards by which the Family Divisions have since evaluated their performance and proposed improvements in their operations.

**evaluations of court-related programs**, many serving as models for adoption by other jurisdictions, that deliver legal and social services to families and children involved in family law proceedings

**Evaluating Legal Reforms**

CFCC conducted a comprehensive evaluation of pilot family court initiatives in three Indiana counties. The evaluation included outcome and performance meas-

ures; the collection and analysis of case data, survey instruments and other documentation; and written evaluations and recommendations for future implementation or the expansion of family court efforts. CFCC also identified best court practices for children and their families, as implemented in the pilot sites, including the development of a family court handbook; improvements in case management activities, case tracking and information sharing; and modifications to the handling of complex dissolution matters in order to provide more timely and effective services to high-conflict families.

**strategic planning**, focusing on jurisdictions engaged in developing and implementing family court reform

**Family Division Effectiveness**

CFCC conducted an extensive examination of the Family Division in Michigan's Ninth Judicial Circuit. In carrying out its review, CFCC engaged in a series of interviews and conducted a retreat to identify the court system's strengths and weaknesses. The strengths found included the experience, dedication and competence of the Family Division's judges and staff, which, in turn, led to a high degree of client satisfaction with the division and its services.

**surveys and reports** that capitalize on the investigative and research strengths that are the hallmark of CFCC and of the University of Baltimore School of Law

**Unified Family Courts and Juvenile Justice**

In *A Strong Presence in the Life of a Child: A Report on Unified Family Courts and Juvenile Delinquency Matters*, funded by the Charles Crane Family Foundation, CFCC surveyed family court judges and staff in Delaware, Hawaii, Indiana, New Jersey and Rhode Island. The survey participants unanimously agreed that merging juvenile delinquency issues into the family court's jurisdiction produced a wide range of benefits, including a high level of services and treatment, a regularly scheduled judicial review calendar to monitor treatment programs and a wide variety of diversion programs.

**educational opportunities** that give University of Baltimore law students exposure to the family justice system by enrolling in the CFCC Student Fellows Program

**An Issues-Oriented Law School Course**

The CFCC Student Fellows Program is a 3-credit course with classroom discussion, lectures and guest speakers on such issues as therapeutic jurisprudence, unified family courts, specialized courts, addiction, drug courts and juvenile delinquency. Students also participate in CFCC projects under the supervision of its director and senior fellow. The possibility exists for students to enroll in a second semester of the course.

**CFCC's Truancy Court Program intervenes on behalf of public school students who are chronic truants in an effort to determine the root causes of truancy, provide necessary interventions and convince the students to attend school on a regular basis. As a student fellow involved in the program, I believe I made a difference in helping students take charge of their educational futures.**

Gregory E. Walker '06

**CFCC advocates a holistic approach to whatever problem results in a family's involvement with the justice system. What CFCC emphasizes is the effect of the problem on the entire family. This orientation helps judges render decisions that strengthen rather than disrupt family relationships and is central to CFCC's distinctive role in developing unified family court systems throughout the country.**

Mamata Singh '05



**As a student fellow, I learned how a therapeutic approach to the law can produce positive experiences for parents and children in family court proceedings. My CFCC experience reminded me that my reason to attend law school was to help people. Through my involvement with the CFCC Student Fellows Program, I saw how the justice system could help resolve family legal problems in a constructive and equitable manner.**

Elizabeth B. Fisher '05



**Center for Families,  
Children and the Courts**



**Barbara A. Babb**

*Director and Associate Professor of Law*

B.S., Pennsylvania State University

M.S., Cornell University

J.D., Cornell Law School

faculty member since 1989; member, New York and Maryland bars; national leader in family justice system reform, focusing on the creation of unified family courts; spearheaded Maryland's efforts to create a family court in 1998; member, ABA Standing Committee on Substance Abuse, ABA Unified Family Court Coordinating Council and AFCC *Family Court Review* Editorial Board; past chair, Family and Juvenile Law Section, Association of American Law Schools

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## Truancy Concerns

### Center for Families, Children and the Courts

University of Baltimore  
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- With funding from the Charles Crane Family Foundation, CFCC, in collaboration with the Baltimore City Office of the Mayor, the legal community, the judiciary, schools and others, developed and implemented a Truancy Court Program in two Baltimore City elementary schools and three middle schools. The Truancy Court Program is a judicially supervised program that includes weekly in-school sessions with a member of the judiciary and frequent contacts with a team of service providers, the child and the child's family. Interventions include parenting classes, tutoring, training in basic skills, drug screening, counseling and anger management.
- Technical assistance provided by CFCC to the ABA Standing Committee on Substance Abuse led to a final report for the Scripps-Howard Truancy/Literacy Project. The ABA initiative, *Truancy, Families and Substance Abuse*, developed and implemented pilot truancy court programs in Phoenix, Kansas City and Baltimore, each of which has a unified family court with a developing truancy prevention component.



## Juvenile Justice Issues

**Center for Families,  
Children and the Courts**

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- In Maryland, in a widely disseminated report, *Unified Family Courts and Juvenile Delinquency Matters* (funded by the Charles Crane Family Foundation), CFCC examined the impact of integrating juvenile delinquency cases into existing unified family courts. With information developed from unified family courts in Delaware, Hawaii, Indiana, New Jersey and Rhode Island, CFCC concluded that juvenile delinquency cases led to more productive outcomes for families when heard and resolved in unified family courts.
- In a project underwritten by the Annie E. Casey Foundation, CFCC conducted an in-depth survey of Maryland circuit court judges and masters, exploring the interface between the Department of Juvenile Services and the judiciary. The report recommends, among other measures, the creation of a Bench Book for juvenile and family court judges to include information on community resources and alternatives to detention; the development of performance standards and measures for DJS-court collaboration; the organization of a series of county workshops for judges, masters, court staff, service providers, DJS staff and community leaders to expand collaboration, resource development and alternatives to detention; and the integration of juvenile delinquency jurisdiction into the Family Division so that juvenile court judges/masters and DJS are able to access resources and programs available to the Family Divisions.



## Educational Opportunities

### **Center for Families, Children and the Courts**

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- With funding from the Maryland Department of Human Resources, CFCC developed training programs for attorneys who represent abused and neglected children.
- In collaboration with the Association of Family and Conciliation Courts, CFCC facilitated training programs in dispute resolution and child custody evaluations for attorneys, psychologists and court personnel.
- University of Baltimore School of Law faculty members have participated as consultants in CFCC projects and initiatives. As the number and breadth of projects expand, the expectation is that faculty will have more opportunities for involvement in CFCC activities.
- The CFCC Student Fellows Program is an innovative University of Baltimore School of Law course that provides law students with insights into and research opportunities regarding unified family courts, therapeutic jurisprudence and the ecology of human development. The course is one of the first in the country designed to apply therapeutic jurisprudence to the unified family court model.



## **A National Presence in Family Court Reform**

**Center for Families,  
Children and the Courts**  
University of Baltimore  
School of Law

The Center for Families, Children and the Courts provides consultative and research services to translate planning considerations into operational programs for a large number of states and municipalities.

### **Unified Family Court Initiatives**

The projects that attest to the wide-ranging involvement of CFCC in family court issues include:

- In Indiana, CFCC provided technical assistance to establish a pilot unified family court.
- In Washington, D.C., CFCC consulted with the chief judge of the D.C. Superior Court to draft legislation to establish a family court in the Washington, D.C., court system, as directed by the U.S. Congress.
- With funding from the Michigan Administrative Office of the Courts, CFCC provided strategic planning to evaluate a unified family court in the Ninth Judicial Circuit's Family Division in Kalamazoo County, Mich.
- In Montgomery, Ala., CFCC helped develop a family court model at the Presiding Circuit Judges Symposium on Family Courts.
- In Florida, CFCC organized high-level discussions on redefining Florida family courts, presented family court reform proposals to the Florida Bar Association and developed recommendations for model family court pilot projects.
- In Pennsylvania, CFCC consulted on the development of a unified family court for the Lackawana County court system in Scranton.
- In California, CFCC addressed the philosophy and components of a unified family court and cited the strengths and weaknesses experienced by other jurisdictions where model reforms have been instituted.
- In Toronto, Ontario, at the Ontario Justice Summit, CFCC presented comprehensive comparisons of unified family courts in the United States and offered suggestions to reform Ontario's unified family courts.



## Performance Outcomes and Assessments

**Center for Families,  
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- In a report widely distributed by the Maryland judiciary, CFCC developed *Performance Standards and Measures for Maryland's Family Divisions*. The report called on the family courts to establish a fair and problem-solving environment to allow judges, court staff and attorneys to respond effectively to the legal and nonlegal issues families confront in the family justice system. The report also recommended that the Maryland judiciary regularly assess the performance of the Family Divisions and propose improvements.
- In a far-reaching evaluation prepared for the Indiana Supreme Court, CFCC focused on developing outcome and performance measures for pilot family courts. To conduct these activities, CFCC undertook a variety of activities, including an orientation for judges, magistrates and project case coordinators; surveys of judges and practitioners throughout the state; focus groups for judges, family law practitioners, service providers and other stakeholders to determine best practices; and technical assistance regarding family court management and operations issues.
- In a comprehensive outcome evaluation of the Maryland Legal Services Corp.'s Model Child Custody Representation Project, CFCC compared the legal services offered by reduced-fee private attorneys and those of Legal Aid Bureau staff attorneys. CFCC found that private attorneys engaged in a proportionately higher percentage of litigation services, while staff attorneys provided clients with a more holistic approach to legal problems in addition to their custody issues.
- To measure the value of services offered, CFCC conducted a comprehensive assessment and review of the Maryland Legal Services Corp.'s Pro Se Assistance Project undertaken in 22 Maryland jurisdictions. CFCC called for increased pro bono legal representation by the private bar to serve mounting numbers of family court clients and identified stumbling blocks to overcome to facilitate the provision of those services. To enhance representation, CFCC recommended that experienced attorneys mentor newcomers in family law practice and that participating lawyers receive free training and CLE credits as incentives.
- In an extensive examination of the Family Division in Michigan's Ninth Judicial Circuit, CFCC found that the judges and court staff had the experience, dedication and competence to understand clearly the nonadversarial, therapeutic model of justice and to develop and implement a unified family court.