



# UNIFIED FAMILY COURT Connection

Spring 2008

UNIVERSITY OF BALTIMORE SCHOOL OF LAW • CENTER FOR FAMILIES, CHILDREN AND THE COURTS

## Survey Registers Appreciable Rise in Family Courts Nationwide

BY GEORGENE KALEINA

Nearly 75 percent of the states have statewide family courts, family courts in selected areas of the state, or pilot/planned family courts, representing a significant shift in court reform, according to a comprehensive survey published in the *Family Court Review*.

The survey, "Reevaluating Where We Stand: A Comprehensive Survey of America's Family Justice Systems," appears in the April 2008 issue of *Family*

*Nearly 75 percent of states already have made steps toward statewide family court systems.*

*Court Review*, an interdisciplinary journal published under the auspices of the Association of Family and Conciliation Courts and the Center for Children, Families and the Law at Hofstra University's School of Law.

Barbara A. Babb, an associate professor at the University of Baltimore School of Law and director of the school's Center for Families, Children and the Courts, conducted the survey of court personnel in 50 states and the District of Columbia over an 18-month period to assess the growth of the family justice reform movement nationwide. The recent survey was a follow-up to Babb's comprehensive survey in 1998 and a 2002 survey update.

"The latest survey reflects that there has been significant movement in family justice system reform nationally," Babb said. "Just seeing that kind of change over a relatively short period of time, when dealing with such a complex institution as the justice system, is quite remarkable."

Andrew Schepard, the faculty editor-in-chief of the *Family Court Review*, called the survey a "signifi-

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Professor Barbara A. Babb

Professor Andrew Schepard

## Extending Court Case Management Systems: The Need for Data Exchange

BY VICTOR E. FLANGO

Courts and child welfare agencies are both involved in child abuse and neglect cases, and the public holds both responsible for the achievement of permanent homes for children.

Courts do not have the same extensive role to play in the lives of children and families that child welfare agencies do, yet they do play a critical role in determining whether children will be removed from their homes, the length of time children remain in foster care, and where they will permanently reside. To the extent that children do not progress toward finding permanent homes, dividing blame just won't do—both courts and child welfare agencies are responsible for providing permanency and safety to children.

Consequently, data from both courts and child welfare agencies are necessary to get a complete picture of how states are progressing in terms of achieving timely permanency for children. Neither data from the child welfare systems alone nor data from court case management information systems alone is sufficient to provide the information needed. While it is true that each information system can provide data on the timeliness and quality of services in their separate areas of responsibility, measuring the overarching areas of safety, permanency, and well-being of children requires the integration of information from courts and child welfare agencies.

Accountability involves developing performance measures for child abuse and neglect cases—and that task is largely accomplished with the development of outcome measures for courts and child welfare agencies (*see note at end*). Performance measures can be used to promote best practices in the achievement of timely permanency by documenting improvements in outcomes for children and families in order to acknowledge states that are making progress and to encourage others to

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# Cutting-Edge Technology for Case Management Results in More Informed Decision-Making

BY GEORGENE KALEINA

In response to burgeoning family law caseloads, jurisdictions across the country increasingly are relying on sophisticated case management technology to help judges make more informed and responsible decisions.

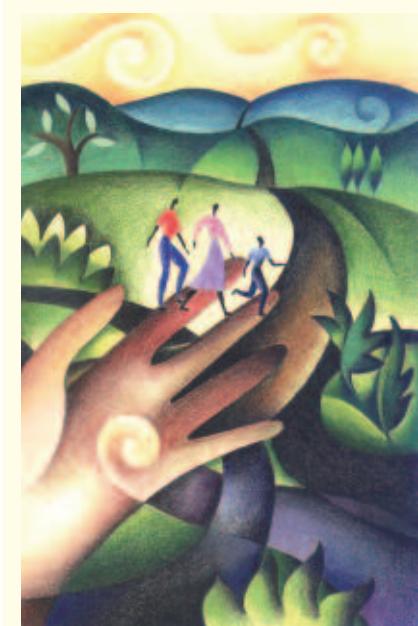
The use of cutting edge technology for case management in courtrooms is replacing the paper jacket case filings of the past. Such technology is critical to the efficient and smooth operation of a family court, experts say.

“Virtual family court” is what the stakeholders in the Colorado judicial system affectionately have dubbed their Family Justice Information System (FAMJIS.) “This case management system improves the efficiency process, allows for greater attention to child-related issues, better coordination of services, and improved attention to the needs of the unrepresented,” says Alicia Davis, J.D., court programs manager for the Colorado State Court Administrator’s Office in Denver, Colorado.

“As the courts accept more and more filings and more parties come before the courts, judicial officers are besieged with information,” according to Davis. “This system allows the judicial officer to quickly and efficiently capture important information about the family. The judicial officer gets the status of the family and what concurrent events are going on, and the system encapsulates that information for the judicial officer.”

“Back in the olden days, the judge may have had the information because only a few hundred people lived in a town,” Davis added. “Now, courts have fifteen minutes to make crucial decisions about a family, and this information gives the judicial officer a better chance to fashion more effective orders and services.”

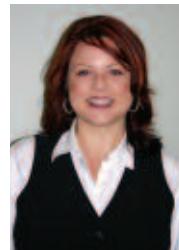
Colorado’s system shows on one screen what services have been provided to a family and whether the parties complied with orders, Davis says. “It’s a snapshot in one place of all the services being provided. You have these reports so you can determine how effective those services were, and that information helps judicial officers decide how to tailor their orders. The judge has everything he needs to know about that family.”



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(Above) Alicia Davis, J.D., court program administrator, Colorado State Court Administrator’s Office; (center and below) Debra Kulak and Celia Siefert, of the Court Services Division, Family Services, Connecticut, who are, respectively, regional manager and information technology supervisor.



Connecticut, which operates under a family court system, utilizes the Case Management Information System (CMIS) – which allows numerous departments to share information on a court case.

When paper files were retained, “we had 21 criminal courts across the state,” said Debra Kulak, the regional manager for the Court Support Services Division, Family Services, in Wethersfield, Connecticut. “If someone was arrested for domestic violence in Hartford and then arrested again in New London, we had no way of knowing the history. We had paper files to go through. Now, we can immediately provide the courts with the whole lengthy history – what other involvement that person has in the court, what the conditions were, and what programs were involved. All of that information is shared.”

Celia Siefert, who works with Kulak as the information technology supervisor in Connecticut, summed it up best: “Now we have good information for making community safety recommendations, and we have good information about the client so we can make better decisions for offering services.”

Kulak noted that security is built into the system to protect information from being viewed by unauthorized personnel. “Information will be protected because of our statutes,” she said. “For instance, if a man is arrested for domestic violence, the probation department may see that he was arrested, but they don’t get the information behind that. The ability to see the information is based on your discipline (probation, judicial officers, and court personnel) and the laws governing the release of the information.”

In a society where information is immediately accessible on computers, it makes sense that court systems are updating the antiquated paper systems with sophisticated case management systems.

Kulak, Siefert, and Davis all stress how critically important it is for courts to have a solid case manage-

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# FIRST Program in North Carolina Reuniting Families

BY JANEANNE E. TOURTELLOTT

The FIRST Program, a collaborative effort in North Carolina, is successfully helping parents to achieve and maintain their recovery from addictions and regain custody of their children.

The FIRST Program (Families In Recovery to Stay

Together) is a joint effort among the court system, Area Mental Health Authority, and Youth and Family Services in Charlotte, North Carolina. The parents in the program are involved in Juvenile Dependency Court and are seeking reunification with their children. These parents recognize the need for substance abuse treatment to get their children back.

The program serves a population of approximately 850,000. The Mecklenburg County Department of Social Services (DSS) annually substantiates more than 1500 cases of abuse and neglect, with at least 80% involving substance abuse.

On December 31, 2002, 1,046 children were in the legal custody of Mecklenburg County. The financial cost of caring for this population was approximately \$20 million per year.

The Adoption and Safe Families Act requires the Juvenile Court to provide permanence for children in safe homes within one year of removal from the home, if possible. While permanent placement within one year in a safe home is the statutory mandate, historically, reunification of the family is the preferred method. Mecklenburg has piloted a program, which has proven effective in achieving both ASFA compliance and family reunification.

To address the backlog of cases and growing caseload, Mecklenburg implemented the drug court system model by providing all parents adjudicated abusive and/or neglectful with immediate access to services, with close supervision by the court to ensure parent and system accountability. Family Drug Treatment Court (FDTC) began in Charlotte in November 1999. In September 2002, the FDTC expanded and became the FIRST Program, offering two levels of participation.

*The FIRST Program assesses all parents and legal guardians whose children have been adjudicated abused and/or neglected.*

With drug court in the last three years, the success rate in reunifying families has exceeded 25 percent, up from less than one percent prior to implementing the program. With such success come corresponding financial benefits in excess of \$190,000 (consisting of foster care payments eliminated, court personnel time and wages reduced) per parent/child reunification. Most of those financial benefits are directly related to reduced federal payments and increased productivity of local and state government employees. In addition, the intangible benefits of having a family together and the corresponding contributions to the financial health of a community are immeasurable.

In an effort to support parents in their endeavor to be successful in achieving recovery and reunification, the FIRST Program assesses all parents and legal guardians whose children have been adjudicated abused and/or neglected for substance abuse, domestic violence, and other mental health needs. Those who are determined to need substance abuse treatment are offered two options for participation.

Level I participants attend substance abuse counseling, parenting education sessions, and recovery support programs, and they submit to regular and random alcohol and drug tests. FIRST Program staff closely monitor each participant's treatment attendance and drug test results, and they report back at regularly scheduled review hearings. The court sanctions participants who do not comply with treatment requirements or who test positive for substance use. Participants who need additional support and services to assist them can volunteer, or are court ordered (due to non-compliance in Level I) to enter Level II of the program.

Level II incorporates intensive case management, bi-weekly court sessions, and residential placement (if necessary). Level II consists of three phases, with a minimum of one year and a maximum of two years of participation. Phase I primarily is concerned with orientation into the program, beginning treatment, case management, and the court process. Phase II is focused on teaching clients how to maintain recovery and sobriety and on helping them work on other issues that support their recovery, such as housing, education (if needed), acquiring and maintaining employment, and visitation with their children. Phase III teaches clients coping and relapse prevention techniques and skills to help them deal with things in their lives on a day-to-day basis.

As we become more and more institutionalized, the FIRST Program continues to expand. We continue to experience a high rate of retention, averaging around 65 percent, and our success rate is now averaging in the low-to-mid 30 percent range.

Our program very successfully has reunited children with their parents. This overall success has contributed to having a strong collaboration with treatment providers, the Department of Social Services, the Area Mental Health Authority, and the court system. We believe the FIRST Program can be replicated very easily in any jurisdiction or court willing to collaborate with agencies that normally operate in isolation from the court system. ▀



Janeanne Tourtellott is the District Administrator for the Mecklenburg County (Charlotte, NC) Drug Treatment Court Programs. Ms. Tourtellott is responsible for program oversight for the eight operational treatment courts: one post-sentence court, two pre-trial courts, two DWI Treatment Courts, one Family Drug Treatment Court—the FIRST Program, one Youth Treatment Court and one Mental Health Court.

# Survey Reveals Major Increase in Family Courts *from page 1*

cant tool" which provides states with a benchmark on progress of the family justice reform movement in this country.

"The states are making more progress," he said. "This survey shows that states wanting to achieve family court reform can do so. It gives them a resource to show that other states have done it and they are increasing in number. It lets people, who are interested in justice for families and children, know that they are not alone."

According to Babb's survey, thirty-eight states now have either statewide family courts, family courts in selected areas of the state, or pilot or planned family courts, comprising 75 percent of the states. That compares to nearly 67 percent in the 1998 survey, or an 8 percent increase between 1998 and 2006. Only thirteen states do not have a separate system for handling family law matters, a drop from seventeen states in the 1998 survey.

"An 8 percent increase is a significant jump when you consider how complex court reform is," Babb said. "Reforming a court system is an extremely complicated endeavor. It's not just a matter of one day deciding to modify the court's structure. It requires in-depth strategic planning, as well as cooperation from all of those involved. Even minor changes involve judges, court personnel, attorneys, clients and, sometimes, legislative or court rule-making input."

Schepard noted: "Progress is being made. It's slow but steady. As (the late New Jersey) Chief Justice Arthur Vanderbilt pointed out—court reform is not a project for the 'short-winded.' You're in it for the long haul. Family courts are complex, central institutions in society, like schools and hospitals. They represent the public face of justice for

families. You don't reform them overnight. You have to keep plugging away at it."

And states nationwide have been "plugging away" at reforming their court systems. (*See U.S. Map Chart below and Chart A on pg. 7.*) According to the survey, by the end of 2006, 14 states and the District of Columbia handled family matters statewide within a separate family court or within a separate family division or department of an existing trial court. Besides the District of Columbia, those states were: Connecticut, Delaware, Florida, Hawaii, Maine, Massachusetts, Michigan, New Jersey, New York, Rhode Island, South Carolina, Vermont, Washington, and West Virginia.

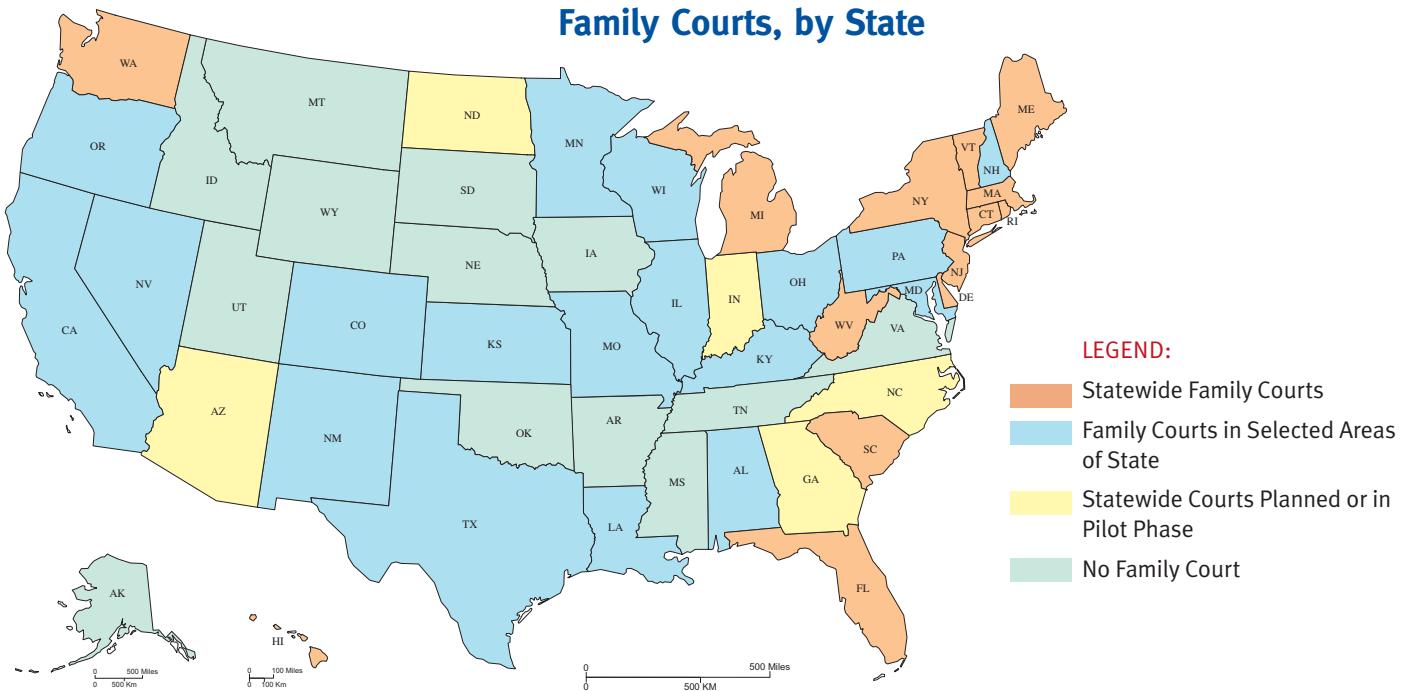
Eighteen states—Alabama, California, Colorado, Illinois, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Missouri, Nevada, New Hampshire, New Mexico, Ohio, Oregon, Pennsylvania, Texas, and Wisconsin—handled family law cases within a separate family court or within a separate division or department of an existing trial court only in selected areas of the state—generally those of highest population.

The five states with pilot or planned family courts are Arizona, Georgia, Indiana, North Carolina and North Dakota.

And only thirteen states have no specialized system to handle family legal matters: Alaska, Arkansas, Idaho, Iowa, Mississippi, Montana, Nebraska, Oklahoma, South Dakota, Tennessee, Utah, Virginia and Wyoming.

The survey comes at a time when family justice system reform remains a major issue throughout the legal community and society in general.

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# Case Management Model: National Center for State Courts *from pg. 1*

*The Working Group concluded that data exchange about child welfare should be expedited so each state would have a template to draw on, rather than starting from scratch.*

renew their efforts. Implementing performance measures requires the sharing of basic child welfare data. The most efficient and effective way to generate this needed data requires electronic data exchange between courts and child welfare agencies.

## BENEFITS OF DATA EXCHANGE

Both courts and child welfare agencies benefit if they each produce data on their own operations and then exchange it automatically. Exchanging data enables courts and child welfare agencies to obtain data elements for which they are responsible and to use them to construct performance measures and management reports. Other benefits to both courts and child welfare agencies include:

### Child Welfare Agencies:

- Improves timeliness with which data from court is received—ideally in real time
- Enables the child welfare agency to see what hearings are scheduled and, thus, to create schedules, e.g. monthly, to help caseworkers plan
- Eases the burden of data collection because motions, orders, etc. do not have to be entered a second time, thus accuracy improves
- Helps determine Title IV-E eligibility

### Courts:

- Improves timeliness with which data from child welfare agencies is received
- Reduces redundant data entry by court staff, which improves accuracy, and saves research time because caseworkers can add relationships and collateral parties to the database
- Reduces the number of telephone calls to court clerks about court scheduled hearings times

## DATA EXCHANGE PROTOCOL

Sharing of data between courts and child welfare agencies requires an exchange protocol and data exchange standards. The National Center for State Courts (NCSC) has experience in developing national standards for the exchange of critical data that is independent of any specific operating system. Because this is a national effort based upon the Global Justice XML Data Model and the National Information Exchange Model (NIEM), NCSC obtained funding from the U.S. Bureau of Justice Assistance to convene a meeting of the Data Exchange Working Group to extend the model to child welfare data. That meeting, held in

NCSC's Denver office on October 23–24, 2007, consisted of representatives from six states and the federal government.

At that meeting, the Working Group concluded that data exchange in the child welfare area was a necessary and worthwhile effort that should be expedited so each state

would have a template to draw upon, rather than being left to develop their own systems from scratch. Data exchange standards will make it easier for courts and child welfare agencies to exchange data elements required to generate performance measures for child abuse and neglect cases. Such standards also will make it easier for private vendors to produce or modify case management software so that it already contains the data elements necessary to calculate performance measures.

A subcommittee met in Denver on February 20–21, 2008, to develop an inventory of operational exchanges for the child abuse and neglect cases. To accomplish that goal, a set of scenarios was prepared and the progression of cases tracked through the courts, noting the points where the exchange of data between courts and child welfare agencies occur. For example, what happens after an emergency removal of a child from a home? The scenarios were then mapped to show not only how the courts were affected, but also to identify the points at which data needed to be exchanged with the child welfare agency. The figure below illustrates a part of that process.

Five basic scenarios were identified, three of which begin with the removal of the child from the home, two involving court-ordered services to the child who was returned home by the court or who was never removed initially, and adoption. A number of administrative exchanges also were identified that could occur throughout the process. These exchanges will be re-examined to determine if any combination or consolidation can occur.

### The next steps in this project are to:

- Relate the operational exchanges to dependency performance measures
- Consider impact on case management systems
- Develop data requirements for selected exchanges
- Develop technical specifications for electronic exchange of information.

Priorities were set for data exchange implementation. The first three are:

- Court orders, because they are the highest volume of information to be exchanged and there are no ex parte issues to be confronted
- Notifications
- Service plan, because these need to be filed prior to court hearings

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# CFCC Names New Senior Fellow for Administration

Judith D. Moran has been named senior fellow for administration at the University of Baltimore School of Law's Center for Families, Children and the Courts (CFCC.)

Moran, who served as the first coordinator of the Family Division of the Circuit Court of Baltimore City, has served as a consultant to CFCC on family justice system reform issues over the past five years.

"Judy is highly respected in so many areas of our work, and it was a completely natural decision for us to bring her on board," said Barbara A. Babb, CFCC's director and an associate professor at the University of Baltimore (UB) School of Law. "She has a genuine understanding of all the things we're attempting to do to improve the family justice system. We are very pleased to have her partnering with us."

In her new position with CFCC, Moran will supervise business planning related to the center's activities, including project budgets, staff resources, and the overall budget of the center. Among her responsibilities will be administrative tasks related to CFCC's Truancy Court Program, the highly successful collaboration among the center, Baltimore City schools, and the court system to reduce Baltimore's truancy rate in targeted public schools.



Judith D. Moran, J.D., CFCC's new senior fellow for administration.

Moran has a distinguished record in executive-level management and administration. As the Baltimore City Circuit Court's family division coordinator from 1996 to 1999, she oversaw nine programs and implemented several new services for families and children. Her other positions included interim director for the New York City-based advocacy agency Legal Information for Families Today, assistant director for the Children's Aid Society, Office of Public Policy and Client Advocacy in New York, and senior planner for the Center for Court Innovation in New York.

Moran is a member of several boards of directors for nonprofit family service agencies and recently completed her third term as a member of Georgetown University's Board of Regents. She is a member of the Maryland Bar and a past chair of the Bar Association of the City of New York's Committee on Family Court and Family Law. She has published and spoken widely on family court reform and unified family courts. In 1998, she received the Outstanding Public Interest Attorney award from the UB School of Law.

In 1995, Moran earned her law degree from the UB School of Law. She received a master of arts in counseling psychology from the University of North Florida in Jacksonville in 1981 and a bachelor of science in nursing from Georgetown University in 1968. ▀

## Case Management Model *from pg. 5*

This is an ongoing process and NCSC would welcome participation by other states. Having a national template would not solve all of the problems of data exchange, because any template undoubtedly would have to be adapted to the particular terminology and process of each state.

A national template, however, would save states from starting from a blank slate. It also would enable states to work cooperatively and simultaneously on different data exchanges so that progress can be achieved more quickly.

A national standard for data elements means that technology vendors will find it more profitable to include required data elements in the case management systems they sell to the states. In sum, collaboration between courts and child welfare agencies improves outcomes for children, and electronic data exchanges support this collaboration. ▀

NOTE: Child welfare agencies are subject to a Child and Family Services review process using outcome measures published in the *Federal Register* (65 FR 4020-4093) January 25, 2000. The National Court and Child Welfare Collaborative, composed of the ABA Center on Children and the Law, the

National Center for State Courts, and the National Council of Juvenile and Family Court Judges, with support from the Children's Bureau and the Office of Juvenile Justice and Delinquency Prevention, will publish a *Toolkit for Court Performance Measurement in Child Abuse and Neglect Cases* in 2008 that contains the latest set of dependency performance measures. These performance measures were originally published in 2004 in *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases* (Williamsburg, Va.: National Center for State Courts, 2004) and available on the National Center's Web site, <http://www.ncsconline.org>.



VICTOR EUGENE FLANGO is Executive Director for Program Resource Development in the President's Office at the National Center for State Courts. From February 1995 to April 2005, Dr. Flango was the Vice President of the National Center's Research and Technology Division. In that role, he led approximately 40 Research and Technology staff members in developing and managing the national scope, multi-jurisdictional, revenue-generating projects and programs conducted each year. Dr. Flango joined the National Center for State Courts in 1977.

# Survey Results

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## CHART A:

### Prevalence of Family Courts

#### COMPARISON: 1998 STATUS TO PRESENT

Nationwide Figures*	1998	2006
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

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Babb said the need for court reform remains crucial because family law cases continue to occupy a significant percentage of the court dockets nationwide.

Consider the data from a few states' trial court dockets. In Maryland, nearly 46 percent of total filings in the trial court of general jurisdiction involve family and juvenile cases, according to the Maryland Judiciary's latest annual statistical abstract. In

jurisdictions nationwide to make sure these families and children receive the effective and efficient justice they deserve."

One family justice reform model utilizing the therapeutic and holistic approach is the Unified Family Court, which allows the family to have one central place to go for all family legal issues. Under this court model, judges, court personnel, attorneys and social service agencies coordinate their efforts to produce an all-encompassing, more effective resolution tailored to the individual family's needs. In contrast, the traditional court system is less efficient and more fragmented, with families facing multiple courtrooms, judges and, sometimes, conflicting court orders.

"The Unified Family Court really is the model for family justice system reform that we hope eventually all jurisdictions will embrace," Babb said.

Schepard agreed: "Unified Family Court systems can be created and should be the standard of family court administration." ▀

The full survey article is published in the *Family Court Review*, Volume 46 Number 2, April 2008. To receive a copy of the survey article, please email Barbara Babb at the University of Baltimore School of Law's Center for Families, Children and the Courts. Professor Babb's e-mail is [bbabb@ubalt.edu](mailto:bbabb@ubalt.edu).

Nebraska, family law cases amount to 58 percent of the state's total trial court filings, according to the Nebraska Administrative Office of the Court's 2007 caseload report. In Nevada, family cases make up nearly 50 percent of the court caseload, according to the Fiscal Year 2007 Annual Report of the Nevada Judiciary.

"The number of family law cases continues to rise in courthouses across the country, and it makes court reform an even more pressing issue," Babb said. "More and more families and children are coming into the court systems with legal, personal, emotional, and social needs which should be resolved in a therapeutic and holistic manner. Court reform must remain an important goal for all

## Cutting-Edge Technology for Case Management Results

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ment tracking system in place.

"When you have nothing in place, you only have information contained in a paper file," Kulak cautions. "Paper gets misplaced and there is no accountability. You don't have the thorough depth and breadth of information on a client."

Kulak and Siefert agree that it is a major undertaking for jurisdictions to implement such a case management system. "But once you have it, it shows itself to be important a hundred fold over," Kulak adds. "You have a robust information system in place."

For those jurisdictions nationwide without such a system, Siefert recommends to "start small and think long-term, bring all the stakeholders to the table to discuss it, and establish a project plan. If they do those things, they will be well on their way to a good and positive technology solution."

Kulak concurs: "If you start with a small plan, you get something launched. You can always adapt it and

*"Start with a small plan," advises Debra Kulak. "You can always adapt it and change it. If you start too big, then you get overwhelmed." Alicia Davis concurs: "You take baby steps and there are resources out there to help you."*

change it. If you start too big, then you get overwhelmed."

Davis said the Colorado system started off with a federal grant. "That gave us seed money to work on case management capability specific to youth dependency and neglect cases. We built on our existing case management system, which was pretty strong because it's a statewide system that relies heavily on information exchange. We had a solid foundation."

"Everyone has the capability to start somewhere," Davis said. "You don't need to start off with a Cadillac version. Our court person started out with just an Excel document. You have to start somewhere. You take baby steps and there are resources out there to help you." ▀



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