

Second Judicial District Court Family Division Assessment

Board of County Commissioners

March 10, 2020

Presented by Presiding Judge Bridget Robb



Assessment Overview

- In early 2019, the Nevada Administrative Office of the Courts contracted with the National Council of Juvenile and Family Court Judges to assess whether the Family Courts in Washoe and Clark Counties are meeting legislative goals.
- This was the first formal assessment conducted of the Family Courts since they were established in 1992.
- The study occurred over an eight-month timeframe.



HISTORICAL PERSPECTIVE



Q: How did we get here?

- Article 6 of the Nevada Constitution and Title 1 of the Nevada Revised Statutes specifically prescribe court structure in Nevada.
- Article 6, Section 5 of the Nevada Constitution originally prescribed nine judicial districts in the State of Nevada.
(This has since been amended to the eleven judicial districts now found in Nevada.)
- In the late 1980s/early 1990s, Article 6, Section 6 of the Nevada Constitution was amended to allow for the creation of Family Divisions “as prescribed by the Legislature.”

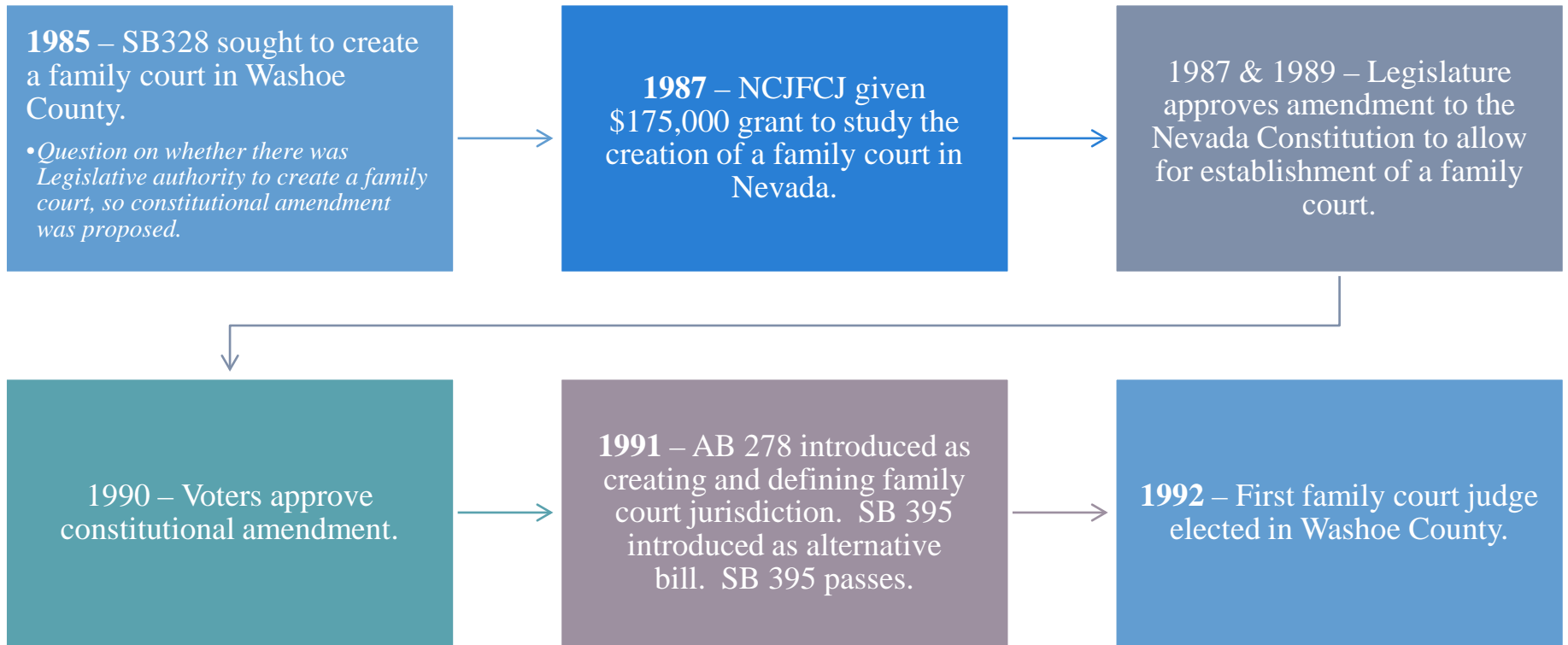




Nevada Constitution, Article 6, Section 5:

- The State is hereby divided into **nine** judicial districts of which the County of Storey shall constitute the First; The County of Ormsby the Second; the County of Lyon the Third; **The County of Washoe the Fourth**; The Counties of Nye and Churchill the Fifth; The County of Humboldt the Sixth; The County of Lander the Seventh; The County of Douglas the Eighth; and the County of Esmeralda the Ninth. The County of Roop shall be attached to the County of Washoe for judicial purposes until otherwise provided by law.

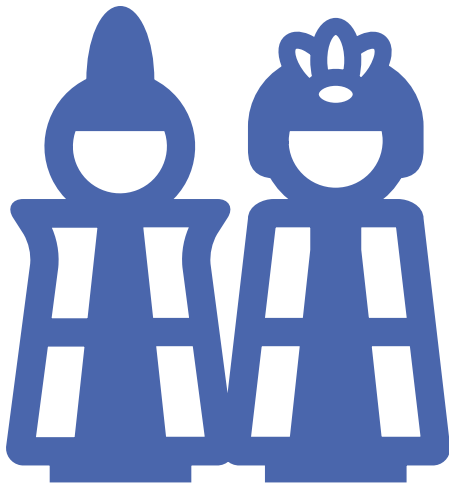




Q: How did we get here?



Why establish a separate Family Court?



- Focus on children.
 - *Children function on a different timeline than adults.*
 - *Courts with focus on children can move cases through at a quicker pace.*
- Families in crisis need a less adversarial and more user-friendly approach.
- Generally, Courts are “insensitive to family rights” and family-specific training can help to remedy this.
- There should be a specialization in family matters.

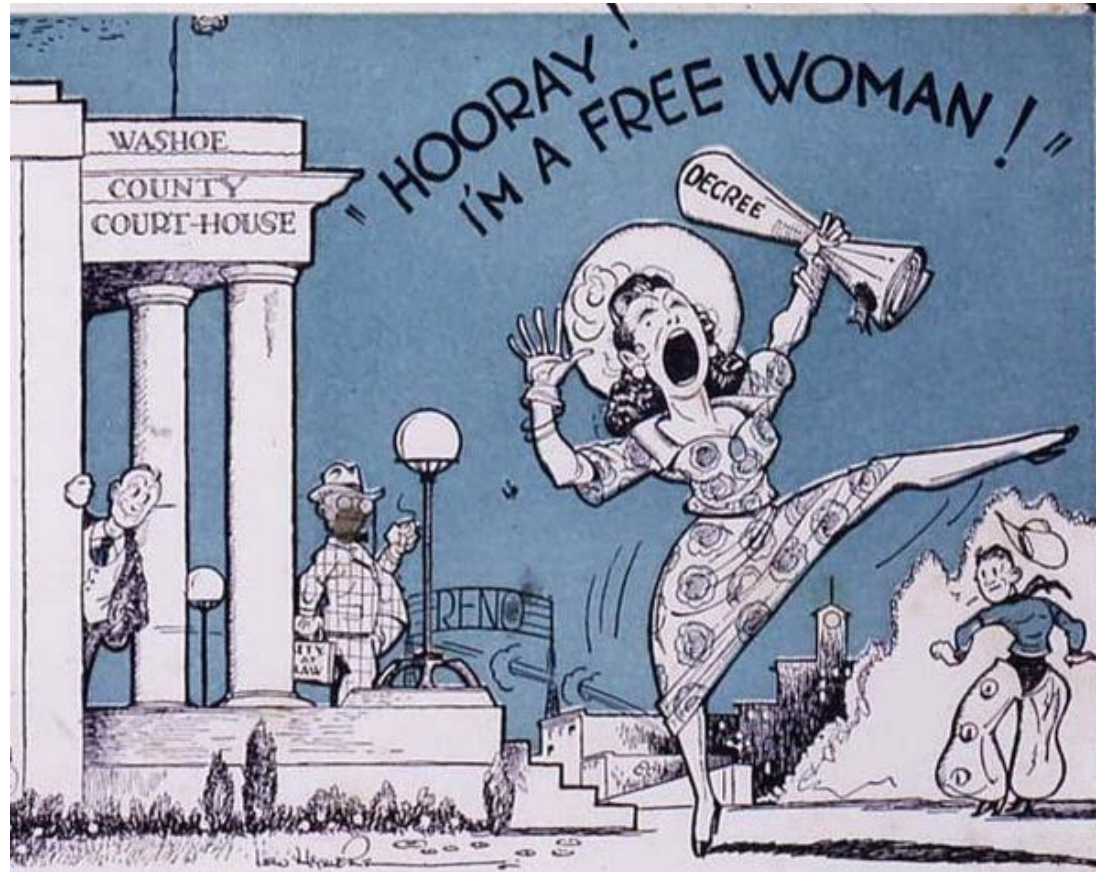


NRS 3.225 Family court to encourage resolution of certain disputes through nonadversarial methods; cooperation to provide support services.

1. The family court shall, wherever practicable and appropriate, encourage the resolution of disputes before the court through nonadversarial methods or other alternatives to traditional methods of resolution of disputes.
2. The family court or, in a judicial district that does not include a family court, the district court, shall enter into agreements or otherwise cooperate with local agencies that provide services related to matters within the jurisdiction of family courts to assist the family court or district court in providing the necessary support services to the families before the court.



FAMILY DIVISION WORKLOAD



FAMILY CASE DISPOSITIONS

11,107 family and juvenile cases disposed in FY19

1,851 per judge

1,110 per judicial officer

925 per month

213 per week



Increasing Caseloads

New Case Filings By Fiscal Year
As Reported to the AOC

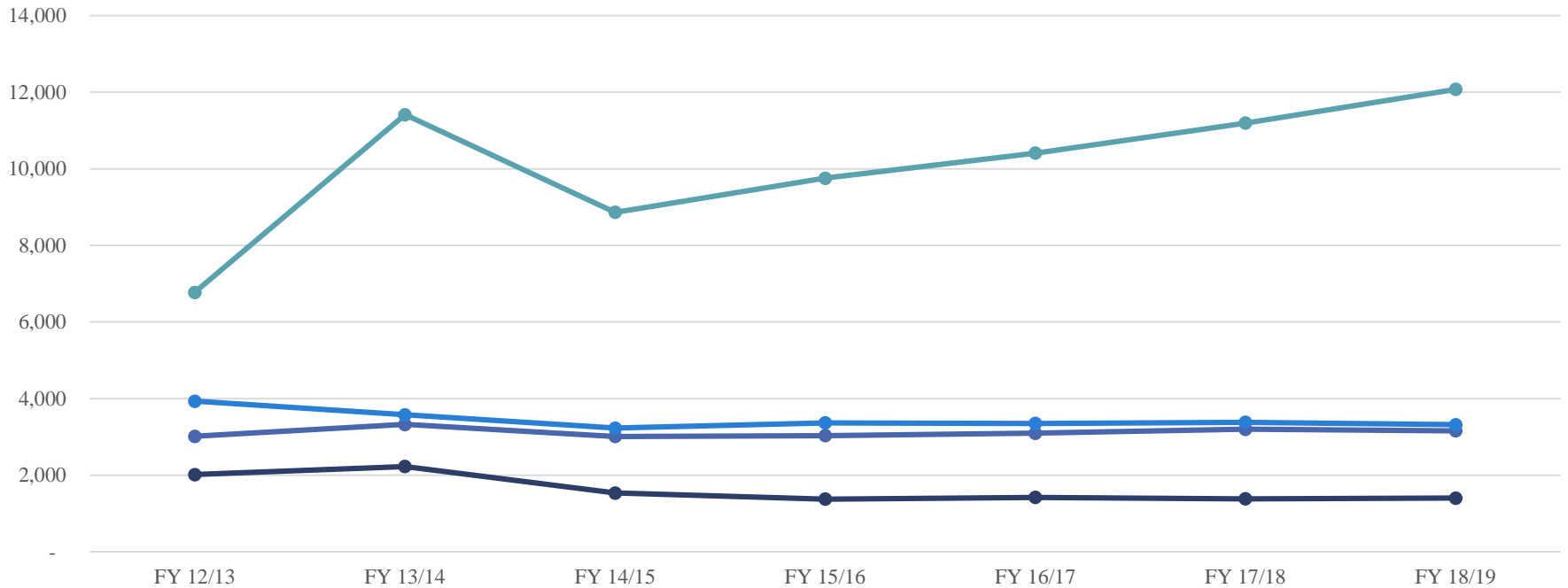
New Case Filings (NO Reopens)														
	FY 12/13		FY 13/14		FY 14/15		FY 15/16		FY 16/17		FY 17/18		FY 18/19	
	Reported	%Change	Reported	%Change	Reported	%Change	Reported	%Change	Reported	%Change	Reported	%Change	Reported	%Change
Criminal	2,270	-	2,303	1%	2,217	-4%	2,203	-1%	2,267	3%	2,281	1%	2,347	3%
Civil	3,278	-	3,037	-7%	3,089	2%	3,220	4%	3,186	-1%	3,122	-2%	3,036	-3%
Family	6,448	-	7,395	15%	7,952	8%	8,688	9%	9,176	6%	9,160	0%	9,491	4%
Juvenile	2,018	-	2,228	10%	1,537	-31%	1,376	-10%	1,420	3%	1,384	-3%	1,403	1%
New Case Filings (Including Reopens)														
	FY 12/13		FY 13/14		FY 14/15		FY 15/16		FY 16/17		FY 17/18		FY 18/19	
	Reported	%Change	Reported	%Change	Reported	%Change	Reported	%Change	Reported	%Change	Reported	%Change	Reported	%Change
Criminal	3,016	-	3,326	10%	3,011	-9%	3,034	1%	3,096	2%	3,199	3%	3,159	-1%
Civil	3,934	-	3,579	-9%	3,229	-10%	3,366	4%	3,351	0%	3,382	1%	3,317	-2%
Family	6,774	-	11,414	68%	8,864	-22%	9,755	10%	10,411	7%	11,194	8%	12,073	8%
Juvenile	2,018	-	2,228	10%	1,537	-31%	1,377	-10%	1,421	3%	1,384	-3%	1,403	1%
	Reopens not reported													
	USJR Phase II Audit on Reopens													
	%Change is year over year													



Increasing Caseloads

Seven Year Trend
New Case Filings (Including Reopens)

● Criminal ● Civil ● Family ● Juvenile



Filing Trends

Filings Going Up

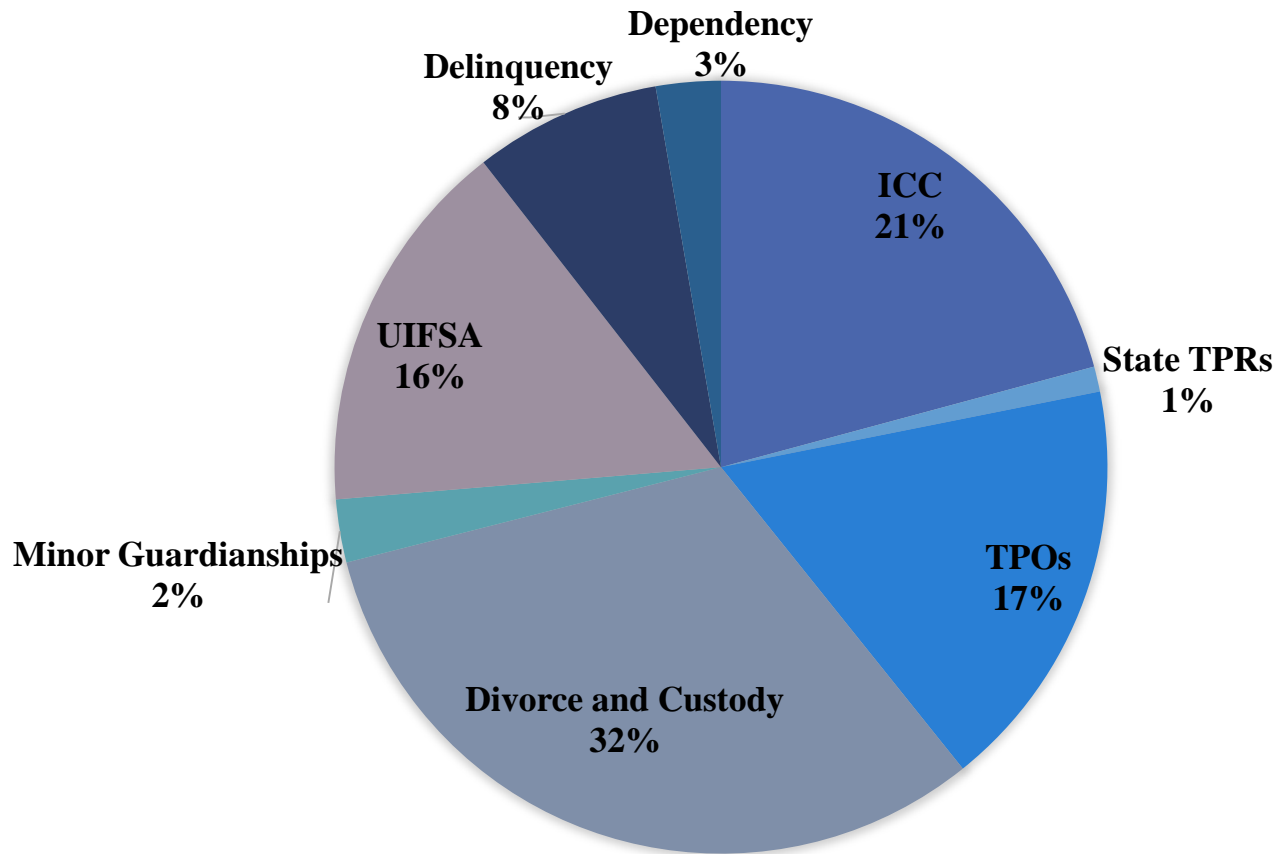
- Involuntary Civil Commitments 12%
- TPOs 4%
- UIFSA* 4.6%
- Joint Petitions 2%
- Minor Guardianship 12%
- Minor Adoptions 29%
- Private TPRs 8.6%
- Juvenile Delinquency 8.3%

Filings Going Down

- Contested Divorce and Custody 11.3%
- State TPRs* 10%
- Dependency 11.6%



New Filings and Reopened Cases



ALTERNATIVE DISPUTE RESOLUTION

Mediation Program

- 472 mediations conducted
- 72% success rate
- New minor guardianship program
- Mediation upon petition in dependency cases

Online Dispute Resolution

- New program launch in 2020

On-line Parenting Programs

- Talking Parents
- Co-Parenter

Senior Settlement Program



District Court Family Support Services

Self Help Center

- 15,061 assisted

Protection Order Help Center

- 1,794 applications
- Safe Embrace advocate

Lawyer in the Library

- 746 Family Law patrons helped

Family Peace Center



Community Partnerships

UNR Clinics

- The THRIVE Center
- VIVA
- SIERRA Families

DWSS Social Worker

- Co-located 3 days/week

Paws 4 Love

Tru-Vista

Safe Babies Stakeholders

Human Services Agency

District Attorney/Child Support Division

Washoe Legal Services

AOT Stakeholders

Nevada Legal Services

Children's Cabinet

Domestic Violence Advocacy Organizations

Juvenile Services



Family Division Assessment Report



Methodology

- Review of historical documents describing the goals of the Family Divisions.
- Three electronic surveys to stakeholders.
- Three days of interviews.
- Survey/interview participants included:
 - Private and public attorneys
 - Court administration
 - Stakeholder agencies
 - Judges
 - Judicial support staff
 - Legislators



Commonly Accepted Goals

- Access to Justice
- Expeditious and Timely Disposition
- Equity, Fairness and Integrity
- Independence and Accountability
- Public Trust and Confidence



NCJFCJ “respectfully proposes the following [seven] recommendations to the Supreme Court of Nevada and the respective family divisions in Washoe and Clark counties.”



1. Sustain the family division operating model.

- There continues to be strong support among judicial officers and stakeholders to continue the model.
- Regular and open communication, progressive technology, and strong county and community partner support have a central role in sustaining and advancing goals under Nevada's coordinated family division operating model.
- The family divisions in Washoe and Clark counties are pioneering and sharing solutions that may eventually be replicated.



2. Support careful planning for future court facility expansions.

- The primary threats to Nevada's coordinated family operating model are tied to population growth and the respective Washoe and Clark counties' court facility footprints. The family division court facilities are prematurely aging from the pressure.
- Courtroom operations and family services that were once co-located are now fragmented in other locations. The separation may contribute to an erosion of public trust, particularly for self-represented litigants (i.e. more time away from work, greater expenses and general stress navigating the courts).
- Planning activities should be undertaken to include a court facility study and to plan for future staff/facilities based on population projections.

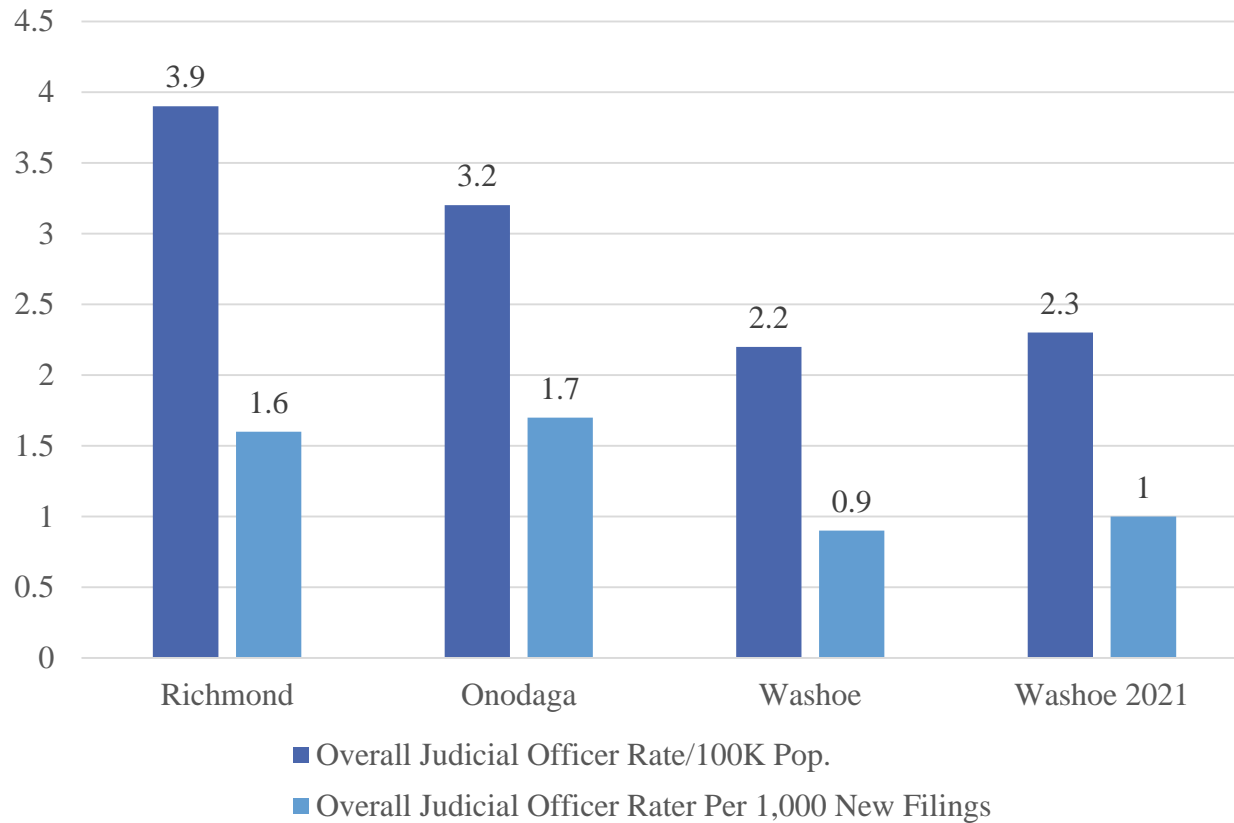


3. Conduct weighted workload study for the family divisions.

- Both courts are crowded and busy and are emerging from a period of chronic caseload pressure.
- Caseload pressure has impacted the ability to meet high internal standards and those of ongoing state and local court improvement commissions and task forces.
- The court is operating at a deficit of judicial officer resources in comparison to similar jurisdictions.
- A weighted workload study would assist in determining where judicial resources should be focused and to what extent a judicial position deficit exists.



Washoe County Population and Case Filing Rate Comparisons



4. Create a hearing master study commission or task force.

- Hearing masters help balance the demand for elected judges to have a broad range of juvenile and family law knowledge with the need for high specialization in certain high-volume or highly technical case types.
- The hearing master system reflects the shared investment of the state and the counties in supporting the operation of courts within an ever-changing environment.
- Quasi-judicial officers are a feature of juvenile and family court operations in many states and were an influential factor in the normative workload comparisons conducted for the study.
- How to best deploy and support hearing masters is a stress point in the current Nevada family division model.



5. Establish an Office of Family Division Services within the Administrative Office of the Courts.

- The breadth of family division jurisdiction in Nevada is wide-ranging, and the need for comparable specialization for state support within the AOC should mirror it in an office or position for family division services.
- The purpose of this office is to help preserve and advance key family division statutory operating goals.



6. Support specialized, ongoing, domestic violence training.

- Training is needed for ALL staff whose cases may involve domestic violence, to include judges and hearing masters.
- More than **HALF** of domestic violence incidents will not have been disclosed. Thus any court staff or court-related professionals interacting directly with litigants must be trained.



7. Consider expanding the District Court, Family Division's assessment data collection to public forums and to judicial officers and stakeholders working in rural jurisdictions.

- During the study, NCJFCJ identified areas where investments in different or more detailed data collection are warranted.
- Two of the most important topics for further data collection are measuring public opinion about the family division model and addressing the model as it is applied in rural areas of the state.



Questions?

