



Maricopa County Superior Court

Family Court Department

Plan of Improvement Progress Report

**For Year Ending
December 31, 2005**



**Submitted to the
Arizona Supreme Court
February 28, 2006**

The Maricopa Model

**Norman J. Davis
Family Court Presiding Judge
Maricopa County Superior Court**

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I. Introduction

In February 2004 the Arizona Supreme Court commissioned a study of the operations of the Family Court Department of the Maricopa County Superior Court by an independent consultant, Greacen Associates, LLC. The consultant submitted a comprehensive final report to the Supreme Court on August 18, 2004. The report detailed a number of strengths and weaknesses in the Department, and made detailed recommendations for improvement. A complete copy of this report is available at:

<http://www.supreme.state.az.us/nav2/083004FamCourtReport.pdf>

In a letter dated August 20, 2004 to the Presiding Judge of the Maricopa County Superior Court, Chief Justice Charles E. Jones (Attachment 1), after citing a number of exemplary accomplishments of the Maricopa County Superior Court, identified the need for a uniform system of case management in the Department by stating:

The Greacen Associates Report shows, however, that the Family Court Department (Domestic Relations) is not meeting the needs of the litigants and other affected persons in Maricopa County for timely resolution of family cases. The report describes an operation which, over time, has grown into a fragmented system of twenty-five Judges using different calendaring and case management approaches, separate ancillary services (four in number) which function without adequate coordination, and a Court with many different, often duplicative, processes. Litigants as well as counsel report frustrations with delay, extensive paperwork requirements, and confusing processes. By reason of these important considerations with Arizona's justice system, I request that efforts to improve case management in the Maricopa County Family Court Department be accelerated and implemented promptly. These should be pursued in accordance with recommendations contained in the Greacen Associates report.

The Greacen Report made extensive recommendations for improvement, and Chief Justice Jones directed that an improvement plan be developed and implemented. Chief Justice Jones specifically identified the need for "early Judicial intervention, 'targeting' (determining whether the need exists for any referral, and then, if indicated, picking the best one) referrals to ancillary services and speedy disposition as priority goals." A revised plan for the operation of Expedited Services was to be included.

Further, recognizing that 88% of family law cases in Maricopa County involve one or more self-represented litigants who "typically do not understand Court procedures at a level sufficient to expect (or require) them to

move their case forward”, Chief Justice Jones directed the Family Court to address “how the Court intends to take control of all cases from the date of filing and setting all future Court dates, including dates for appearances to resolve cases that will be decided by default or by stipulation of the parties.” Directing that “preservation of the family be a clear priority in any plan we adopt”, the Family Court was also asked to address “how to best handle slow and non-moving cases in which the party-litigants remain uncertain as to the future outcome of their particular case.”

Chief Justice Jones directed the Family Court to submit quarterly progress reports. (Attachment 2). Previous reports have been more summary in nature than this report to allow the Family Court to focus its primary efforts and time on implementation of the improvement plan. This report is more extensive and we believe demonstrates the dramatic and comprehensive improvement that has occurred in the Family Court in Maricopa County over the last year and a half.

II. Summary of Initiatives & Progress

The Maricopa County Family Court submitted a specific Preliminary Plan of Enhancement to the Arizona Supreme Court on October 7, 2004. After further refinement a Final Plan of Enhancement dated December 7, 2004 (Attachment 3) was submitted to the Supreme Court. Under this Plan the Family Court Department committed to implement 29 separate initiatives detailed therein to significantly improve the Family Court in Maricopa County. We have now completed 23 of these 29 initiatives. Of the remaining 6 initiatives, five are awaiting the availability of additional computer programming resources to complete, and one is projected to be completed in conjunction with action required by the Supreme Court. Specifically, two of the remaining initiatives (Initiatives 13 & 14) have been submitted to our Computer Technical Services (CTS) department to complete the computer programming needed to generate the statistical data and reports, two more (Initiatives 21 & 22) are partially complete and require further development by CTS, one (Initiative 27) is awaiting completion of the eCourt project to commence the second phase to develop eDecree projected later this year, and the final initiative (Initiative 28) will be developed in cooperation with the Supreme Court to define boundaries between legal information and legal advice in a format usable by the public.

The major portion of this report provides detailed narrative and statistical information on each of the programs and initiatives referenced in the Final Plan of Enhancement. For convenient reference, a brief summary of our progress on each initiative grouped within 8 general categories is included here. With respect to each initiative, we summarize our progress on these initiatives as follows:

A. Contested Family Court Cases

A significant portion of our improvement initiatives focused on processes and procedures to employ early active judicial management, emphasis on final resolution, required litigant preparation for conferences, targeted use of ancillary referrals, early firm trial dates, and user-friendly processes in contested family law cases.

Initiative 1 focused on our efforts to adopt a Uniform Case Management Plan throughout the Family Court Department. This has now been accomplished with the systematic implementation of a uniform system of case management over the last 18 months, culminating in the formal adoption of a written Uniform Case Management Plan by the Department on September 21, 2005.

Our current Uniform Case Management Plan is a differentiated case management model with procedures and processes customized to manage the unique characteristics of each category of cases in the system. The assigned Judge directly manages each contested case with attorney

representation with procedures tested in a pilot project conducted at the Northwest Regional Court over the last several years. These procedures have been further refined and streamlined and are now incorporated within and authorized by the new *Arizona Rules of Family Law Procedure*. Early judicial management occurs in these cases primarily at a Resolution Management Conference (RMC) scheduled in principally every case upon any request for action by the parties. Several judicial divisions are currently piloting a procedure to intervene earlier in the case by scheduling the RMC automatically when the case becomes contested with the filing of a response.

Initiative 2 has now been fully implemented with the creation of our Early Resolution Triage Program to intervene without action of the parties when a response is filed in any case conducted by two self-represented litigants. Our policy is to schedule an Early Resolution Conference (ERC) in these cases as soon as possible (usually within 30 days) with an Attorney Case Manager. At the ERC the Attorney Case Manager conducts a settlement conference, and assists the parties to memorialize any agreements and schedule further events to finalize the case. Every ERC that is conducted is concluded in one of 3 ways: 1) The parties reach full agreement on the issues, a Consent Decree is prepared and signed by the parties, and the parties are referred immediately to the Decree on Demand program to finalize their case so that they leave the Court on the day of the ERC with a copy of a final Consent Decree; 2) The parties reach partial agreement that is memorialized in a Partial Agreement form signed by the parties to resolve those agreed issues, and a trial date is set with the assigned Judge with a Notice of Trial Date form delivered to both parties at the time of the ERC with further written instructions for trial preparation; or 3) The parties reach no agreements and they leave with a written Notice of a Trial Date scheduling their trial and trial preparation instructions.

Initiative 3 has been completed by fully incorporating the presumption that a trial date or other specific terminating event be scheduled in every pre decree case at the Resolution Management Conference. Each judicial officer of course must, use sound judicial discretion to manage each case as its unique facts and characteristics require, but there has been wide spread acceptance of the concept that early firm trial dates result in earlier completion of cases with resulting benefits to the public and the Court.

Initiative 4 has also been completed with the adoption of a firm trial continuance policy as part of our Uniform Case Management Plan.

Initiative 5 is complete. The procedural delay in the system that previously occurred to obtain a new judicial assignment when the parties filed a Notice of Change of Judge or a Judge recused from participation in the case has been eliminated. Such reassignments are now made the same day that the notice or recusal is communicated to the Family Court Presiding Judge, and any scheduled hearing, trial or conference date is affirmed with the newly assigned

division. We will continue to explore ways to prevent such reassignments from delaying calendar events when the newly assigned Judge cannot accommodate the transferred event due to calendar conflicts.

Initiative 6 has likewise been completed with provisions in our Uniform Case Management Plan to eliminate extensions on the inactive calendar without Judicial management occurring. Our Plan now directs each division that intends to grant a motion to extend a dismissal date schedule a Resolution Management Conference and grant the extension only to the day of the RMC. At that time the case can be appropriately managed, or, if one or both parties fail to appear, dismissed or defaulted as the circumstances require.

Initiative 7 sets a goal to maintain uniformity in case management between the various regional Court centers operating in Maricopa County. This initiative is complete. We have designated an Associate Presiding Judge at each regional site, and have established a JA Trainer position to assist in the training and support of judicial assistants in each division and region. Brown bag luncheon discussions are regularly conducted at each center, and e-mail discussion of management topics is frequent and meaningful. More can always be done to improve consistent case management, and we will continue to explore additional and/or better management techniques.

Initiative 15 is also completed as we have now evaluated Greacen's recommendation to overset trials. For the reasons stated in this report we have concluded that the benefits derived from this practice in the Civil and Criminal Courts would not currently be present in the Family Court. While we will revisit this concept as we explore managing cases with a team approach in the future, we determined that this concept would work in opposition to the goals of our current Uniform Case Management Plan. Guaranteeing firm trial dates and avoiding the need to continue some trials due to oversetting were seen to outweigh any efficiencies than may be derived from this practice at the present time.

B. Reporting and Statistics

In Initiatives 8, 9 and 10 we identified a basic problem that was occurring in our reporting and statistical analysis by allowing cases to appear as being active when no further action was either necessary or permitted. Cases involving orders of protection, and paternity issues routinely remained on our active aging statistics when all issues pled by the parties had been heard and resolved with final orders. Cases with petitions filed to convert a legal separation to a dissolution of marriage were often reopened and tracked from the date the original petition for legal separation was filed even though a Decree of Legal Separation may have been entered years earlier. These problems have now been resolved and Initiatives 8, 9 and 10 are complete.

Initiative 11 is complete. Administrative staff and the judicial divisions conducted a major effort to target our oldest cases for prompt termination. This effort greatly reduced our case inventory of older cases as outlined in this report. Terminating older cases is a moving target, but we have successfully reduced the number of older cases in our system. We now consistently terminate significantly more cases each month than are filed, and are averaging case clearance rates in excess of 115% each month. As of February 1, 2006, 703 or 5.3% of our 13,233 open cases were filed more than 12 months previously. Only 237 of these cases (1.8%) had been pending for more than 18 months. These efforts are ongoing but the initial cleanup has been completed.

Initiative 12 calls for us to identify and consolidate multiple filings by the same parties as a precursor to better management of cases that have the potential to generate conflicting and confusing results. We have completed the computer diagnostics and compiled an initial report of these cases. This initiative may be complete but our work in this area is just beginning. We are currently evaluating how to best consolidate and manage these multiple cases, filed at different times and sometimes with additional parties involved.

Initiatives 13 and 14 are directed at better statistical standards and reporting. On March 7, 2005, Judge Davis submitted a memorandum detailing a "Proposed Family Court Statistical Model" to Computer Technical Services (CTS) to identify and capture detailed case processing information and data in a comprehensive and consistent manner. This model provides for detailed statistical reporting for use by the Supreme Court, Judicial and administrative leadership as well as individual programs, agencies and judicial divisions. It also would replace the Court's current cumbersome "Cal-Acti" report detailing every case assigned to a division with more user-friendly "Exception Reports" that would identify every case outside of case management standards. The demand for technology development throughout the Court, and the utilization of CTS resources to complete other Family Court projects has delayed the development of this model. We hope that computer resources are available to complete both of these initiatives in the next few months.

C. Uncontested Cases

Approximately 50% of Family Court's entire caseload is terminated by entry of a Decree or Judgment by default or consent. It is, therefore, essential to any efficient case management system that these matters be handled efficiently and fairly. We have completed a model program known collectively as "Decree on Demand" that resolves all of these cases in a timely manner at the convenience of the public.

Initiative 16 of our plan was completed on August 2, 2004, when we initiated a “default on demand” procedure at the downtown Court complex. Initially, default litigants were instructed to call a dedicated phone line to schedule a default hearing once service was complete, a default filed, and the statutory 60-day waiting period had expired. A brief telephone interview was conducted to preliminarily determine whether the requisite legal requirements had been satisfied, and the litigant then was allowed to select a date for the hearing at his or her convenience, as soon as the next judicial day. A file review was conducted and the litigants were assisted in the “default room” when they appeared for the hearing to ensure all necessary paper work and child support calculations had been properly completed. This program expanded to the Northwest Regional Court Center in Surprise on February 1, 2005, to the Southeast Regional Court Center on April 4, 2005, and to the Northeast Regional Court Center on November 3, 2005.

Initiative 17 is likewise complete. We have analyzed our default process and determined that it is in fact sufficiently understood and simplified for use by all attorney-represented and self-represented litigants. Our statistics demonstrate that self-represented litigants are able to navigate the default system as quickly as those represented by attorneys. Self-represented litigants request and conduct default hearings, effect service of process, file applications for default and finalize their default cases within time periods that are statistically indistinguishable from the time periods that attorneys take to accomplish the same steps in the default process.

With the eCourt prompted form system developed and described in Initiative 26, litigants are assisted to prepare forms customized to their individual case and circumstances. Instructions in the Self Service Center are provided to assist the petitioner to serve the documents, and file an affidavit of default at the appropriate time. All that remains is for the petitioner to call the default telephone line or log onto the Court website to obtain a default hearing on a convenient date, and access the assistance available when they appear at the Court.

Initiative 18 expanded the default on demand process to include the entry of Consent Decrees in a similar manner. This Initiative is also complete and its name has been changed to “Decree on Demand” effective March 1, 2005 at the Downtown and Northwest complexes, April 4, 2005 at Southeast, and November 3, 2005 at Northeast. The entire process for entry of default and consent decrees has been further enhanced with the initial interview process now being available online at:

<http://eCourt.maricopa.gov/DOD/060101.asp>

Decree on Demand has been enormously successful in reducing default and consent decree processing from weeks or months to days, is

extremely popular with the public, and was the recipient of the National Association of Counties “NACo” award in August 2005.

D. Dismissed Cases

Initiative 19 determined to evaluate our dismissed cases to determine if any significant numbers are dismissed because of frustration or complexity of the system as opposed to reconciliation of the parties or other voluntary dismissal. This initiative has been completed. We have concluded that there are several reasons that the vast majority are voluntary dismissals.

First, we completed a detailed analysis of 938 random dismissed cases. There were 590 cases dismissed for lack of prosecution and 348 dismissed for lack of service. The bulk of the cases that were dismissed for lack of service were filed by the State Attorney General’s Office thereby indicating sufficient legal expertise to navigate the system. Of the 590 cases dismissed for lack of prosecution, 272 cases (46%) were filed by attorneys or document preparers. This indicates that attorney-filed cases are almost as likely to end in dismissal as self-represented cases. Of the remaining 318 cases filed by self-represented litigants that were dismissed for lack of prosecution 269 were served. Responses were filed in 14 of the unserved cases. Of the 49 cases not served 39 were dismissed through voluntary action of the parties, and there was virtually no objective evidence in the files that any party had abandoned a case in frustration or communicated frustration or complexity to the Court. It was much more common to see notification from the parties that they had reconciled.

Secondly, our case management systems have been significantly revised and simplified to give clear and concise direction to self-represented litigants in most instances. Simplified forms, both in Interactive and written formats are available online and at our Self Service Center to assist self-represented litigants commence the process. Default and Consent Decree procedures have been greatly simplified and provide meaningful assistance in our Decree on Demand program. Contested cases involving two self-represented litigants are now scheduled and managed without further action of the parties.

Finally, we have analyzed our statistics from the Decree on Demand program as referenced in Initiatives 16, 17 & 18. These statistics demonstrate that the time required for self-represented litigants to effect service, file affidavits of default, schedule a default hearing, and obtain a final Decree or Judgment under our present system are comparable, and in some cases faster, than the times those same steps are completed by attorney-represented cases.

E. Post Decree / Post-Judgment Cases

Initiative 20 has been completed with the establishment of our Post Decree Child Support Court on November 1, 2005 at all Court locations. This substantially changed the procedure for obtaining a modification of a prior child support order, and replaced cumbersome processes in Expedited Services that had been in place to process these requests previously. Long fact-finding conferences with an Expedited Services conference officer, detailed written reports, objection periods and objection hearings, and the time delays they occasion have all been replaced with a simple modification process that takes only 2 hours. Parties are now ordered to appear for a brief conference. If an agreement can be reached, the conference officer drafts a stipulation that is immediately signed by the assigned Commissioner. Any remaining contested issues are immediately determined by a judicial officer.

Initiatives 21 and 22 have commenced but are not yet completed pending availability of CTS programming resources. Post decree petition tracking software has been developed that should allow Initiative 21 to be completed in the near future. Similarly, the reallocation of post decree cases more equitably among divisions should also be forthcoming in the near future to complete Initiative 22. We are monitoring post decree petition assignments and the current numbers of post decree petitions assigned to each division are similar.

Initiative 23 that provided for us to request extension of Rule 53(k), *Arizona Rules of Civil Procedure*, and Rules 6.9(c) and 6.14, *Local Rules of Practice for the Superior Court, Maricopa County*, is complete with prior extensions of these rules granted, the expiration of these rules on January 31, 2006, and the adoption of the new *Arizona Rules of Family Law Procedure* effective January 1, 2006.

Initiative 24 is deemed complete because we have consistently and persistently advocated for the creation of a web-based, real time arrearage calculator for child support payments by the Department of Child Support Enforcement (DCSE) for the last two years. We will continue to advocate for the calculator and assist in its creation. This is a combined initiative with efforts by AOC, the Arizona Legislature, Maricopa County Family Court, and DCSE. A federal grant has been obtained, the initial design work completed, and now the responsibility lies with DCSE to complete this project. They have indicated that the projected completion date is July 31, 2006.

F. Integrated Family Court Cases

Initiative 25 is complete with the completion of our detailed assessment of our Integrated Family Court (IFC) Pilot Project and the adoption of Administrative Order 2001-020 that substantially restructures and streamlines IFC cases. A cumbersome IFC process has been replaced with a system to resolve custody issues only through the dependency proceedings in Juvenile Court and allow all remaining issues to proceed without further delay in the Court in which they were filed. The custody resolution made by the Juvenile Court Judge will now benefit from the vast array of services, attorneys, and other professionals available to the Juvenile Court Judge to craft an appropriate custody order upon termination of the dependency case that will survive and form the basis for further action in the Family or Probate Courts.

G. Legal Information To Litigants

Initiative 26 was completed in October 2004, when eCourt became operational and began supplying the initial Family Court interactive, online electronic and prompted forms to the public. We have recently completed an interactive online child support calculator that greatly simplifies these calculations for those not familiar with the legal requirements. We anticipate the basic forms to complete a pre decree case will all be completed by April 2006. We can then turn our attention to post decree forms and forms within other subject areas currently being provided in written format by our Self Service Center.

Initiative 27 envisions the creation of an eDecree computer system to augment the eCourt process. When parties reach partial agreements with any agency or judicial officer anywhere within the Court system, the partial agreements will be immediately memorialized through the eDecree system. The eDecree system will use uniform language that should reduce controversy and focus the remaining issues for resolution. As indicated this initiative awaits the substantial completion of the eCourt project and the availability of sufficient computer programming resources.

Initiative 28 is partially complete with the significant enhancement of information available on the Court's website at:

<http://www.superiorCourt.maricopa.gov/familyCourt/index.asp>

Maricopa County Superior Court has also partnered with the Clerk of the Superior Court and provided informational training on this topic. The Supreme Court has indicated that it would provide guidance and direction on this initiative so that we can properly, legally and ethically provide the public with usable legal information without crossing the line into taking sides in the legal

dispute with the giving of legal advice. We look forward to working with the Arizona Supreme Court to fully complete this initiative.

Initiative 29 is complete with the change in the Clerk of Court's change of address procedures in April 2005. Previously, the ability to change a litigant's addresses was limited to selected personnel. It is not uncommon for litigants to inform the Court of a new address during a hearing. However, the Courtroom Clerk's did not have the authority to enter the change so a permanent change in the Court's notification system was not made. Under the new procedures Courtroom Clerks and judicial staff can make the appropriate changes when they become known. Appropriately, changes that will redirect the payment of Court ordered payments still require written verification from the party whose address is to be changed.

H. Other Initiatives

Judge Davis recognized the need for a simplified electronic calculator several years ago and created an interactive electronic child support calculator using Microsoft Excel. This calculator has enabled the Family Court to implement many other initiatives.

Although not identified as a specific initiative, we have completed an initial review of the procedures in place to process Title IV-D cases. We have identified a number of concerns as listed in this report, completed work on a collaborative IV-D Procedures Committee in the summer of 2005, and are now assessing the need for modifications of the current procedures in place in Title IV-D cases.

The Court has also looked at the manner that judicial rotations are made to Family Court. A committee was formed and a final recommendation submitted to then Presiding Judge Campbell on December 14, 2004. The recommendation called for each Judge to serve a 4 to 5-year rotation in Family Court divided into 2 separate assignments, with one rotation normally occurring within the first and one within the last 10 years of the Judge's career. In furtherance of this policy, eight senior and experienced Judges were assigned to Family Court in the annual rotation that occurred September 2005.

III. Results

A. Overall Results

As you can see from the detail in this report the Maricopa County Family Court has substantially completed its Plan of Enhancement with only a few initiatives remaining to be completed.

A comprehensive Uniform Case Management Plan has been fully developed and implemented that is designed to promptly and fairly resolve each case with a specific case management process designed for that case and all others with similar characteristics.

The manner and methods by which we track and gather statistical information on cases has become significantly more accurate and meaningful.

All uncontested cases are now resolved quickly and efficiently by the Decree on Demand program at the convenience of the public.

When the parties reconcile or otherwise voluntarily abandon their case, the cases are dismissed from the system in a timely manner.

Self-represented litigants with contested cases can now expect court intervention and resolution in every contested case with the highly successful Early Resolution Triage Program.

Judicial management of all cases has greatly improved with early active judicial intervention, emphasis on final resolution, better litigant preparation for court conferences, targeted use of ancillary services, early firm trial dates, and prompt case reassignments.

The written forms at the Self Service Center have been augmented with the eCourt electronic interactive forms program, and general user satisfaction by parties and attorneys has improved.

Virtually all court processes have been or soon will be reviewed and reengineered. Significant improvement in all phases of case processing and management is present.

To highlight a few specific areas where improvement is statistically measurable, we are providing the following information.

B. Time To Disposition Standards

In our December 7, 2004 Final Plan of Enhancement Report (Attachment 3) we proposed the following goals for termination of all pre decree and pre-judgment cases, excluding Order of Protection cases and those few cases assigned to the Integrated Family Court:

	Percentage of Cases Projected To Terminate Within		
Time Period Ending	7 Months	12 Months	18 Months
December 2004	50%	Remove All Terminated Cases From Reports	
December 2005	70%	90%	95%
December 2006	80%	95%	100%

In December 2004 we terminated 52.8% of our cases within 6 months, and had accomplished the initial cleanup of cases to meet that objective. This statistic was based upon 6 months, rather than 7 months, because we had previously tracked cases within that time period. Because Rule 38.1, *Arizona Rules of Civil Procedure*, and new Rule 46(B) *Arizona Rules of Family Law Procedure* both make it impossible to terminate any case for lack of prosecution until a minimum of 180 days has passed, we proposed use of the 7-month time period in the future to accommodate these rules.

For the month ending December 2005, we were able to terminate 72.4% of our cases within 7 months of filing, 94.3% within 12 months of filing, and 97.9% within 18 months of filing. All of these performance standards are within our proposed time to dispositions standards.

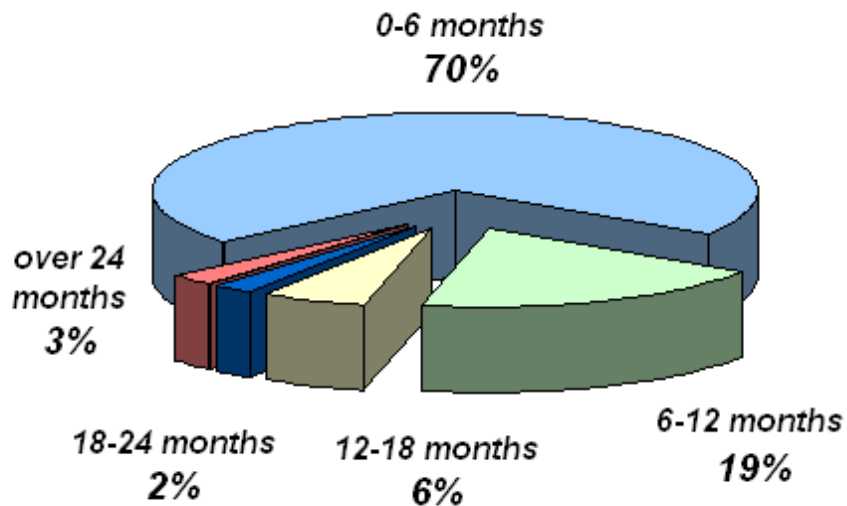
We anticipate some improvement to these numbers in 2006, but we have not yet determined whether it is practically possible to terminate every single case within 18 months of filing. A few cases have enormous complexity, bankruptcy filings that stay cases for months, absent or incompetent parties, parties serving in war zones etc. that simply require delay. We have made significant strides in this area with only 237 cases pending on January 31, 2006 that had been filed more than 18 months previously. This compares to 900 such cases over 18 months in August 2004.

C. Case Aging Statistics

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Age of Pending Family Court Cases, as of September 1, 2004



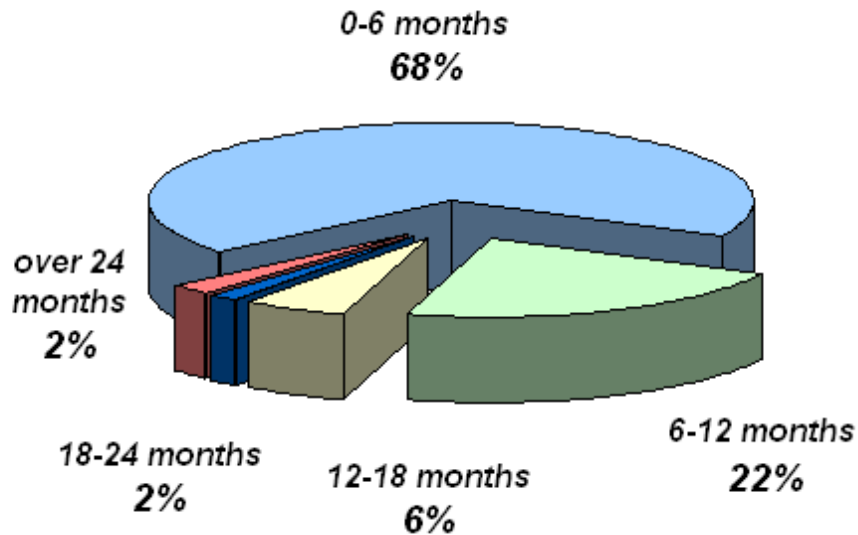
Age of Terminated Family Court Cases vs. Standards

<u>Cases Terminated</u>	<u>August 2004</u>	<u>July 2004</u>	<u>June 2004</u>	Arizona Supreme Court Standards ^a	American Bar Association Standards ^b
within 6 months	47.5%	59.2%	51.8%	95%	98%
within 12 months	90.5%	86.9%	87.1%	99%	100%
within 18 months	97.1%	94.4%	95.0%		
within 24 months	98.5%	97.0%	97.6%		

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

^b American Bar Association Standards relating to Trial Courts - Domestic Relations (adopted February 1992).

Age of Pending Family Court Cases, as of October 1, 2004



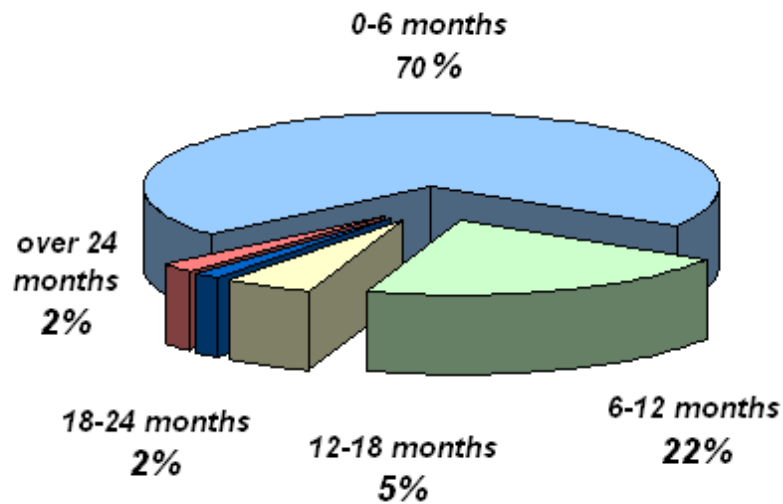
Age of Terminated Family Court Cases vs. Standards

<u>Cases Terminated</u>	<u>Sept 2004</u>	<u>August 2004</u>	<u>July 2004</u>	Arizona Supreme Court Standards ^a	American Bar Association Standards ^b
within 6 months	53.5%	47.5%	59.2%	95%	98%
within 12 months	83.3%	90.5%	86.9%	99%	100%
within 18 months	92.4%	97.1%	94.4%		
within 24 months	96.2%	98.5%	97.0%		

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

^b American Bar Association Standards relating to Trial Courts - Domestic Relations (adopted February 1992).

**Age of Pending Family Court Cases,
as of November 1, 2004**

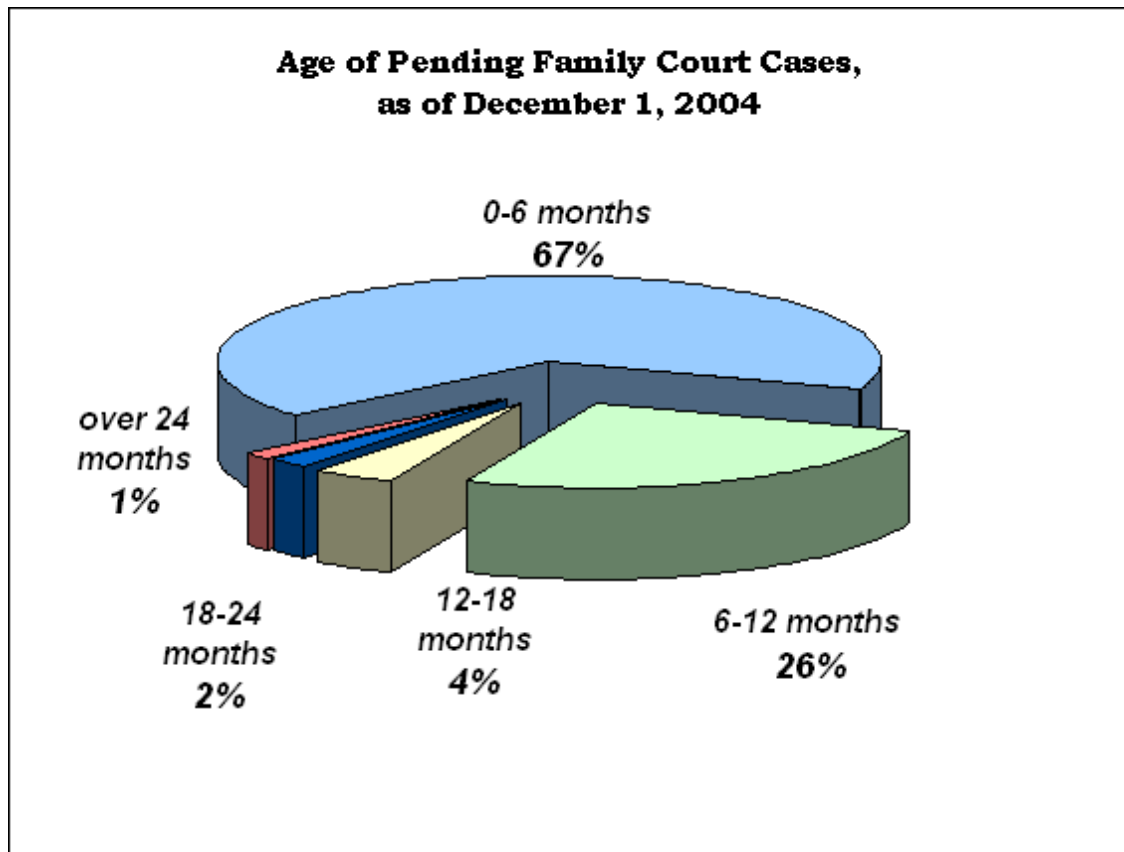


Age of Terminated Family Court Cases vs. Standards

<u>Cases Terminated</u>	<u>Oct 2004</u>	<u>Sept 2004</u>	<u>August 2004</u>	Arizona Supreme Court Standards^a	American Bar Association Standards^b
within 6 months	46.1%	53.5%	47.5%	95%	98%
within 12 months	83.5%	83.3%	90.5%	99%	100%
within 18 months	94.1%	92.4%	97.1%		
within 24 months	96.9%	96.2%	98.5%		

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

^b American Bar Association Standards relating to Trial Courts - Domestic Relations (adopted February 1992).

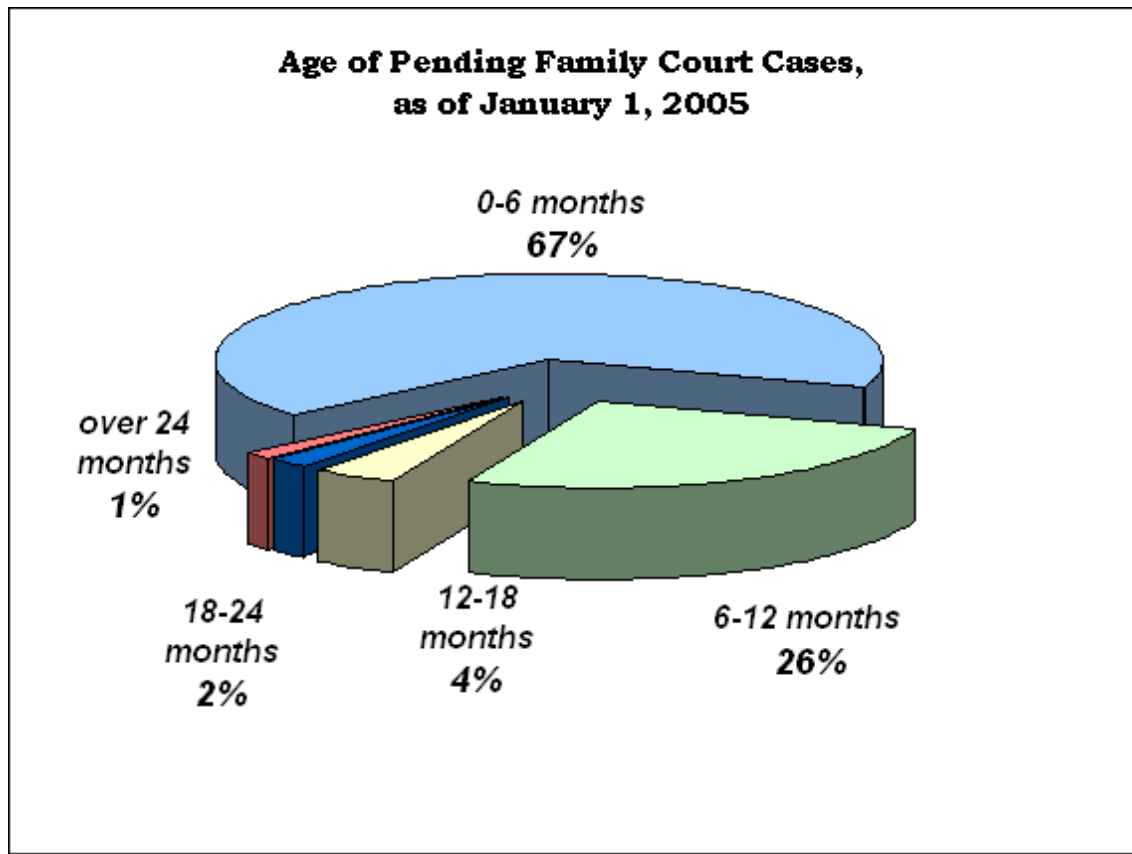


Age of Terminated Family Court Cases vs. Standards

<u>Cases Terminated</u>	<u>Nov 2004</u>	<u>Oct 2004</u>	<u>Sept 2004</u>	Arizona Supreme Court Standards ^a	American Bar Association Standards ^b
within 6 months	61.1%	46.1%	53.5%	95%	98%
within 12 months	85.0%	83.5%	83.3%	99%	100%
within 18 months	91.6%	94.1%	92.4%		
within 24 months	93.1%	96.9%	96.2%		

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

^b American Bar Association Standards relating to Trial Courts - Domestic Relations (adopted February 1992).

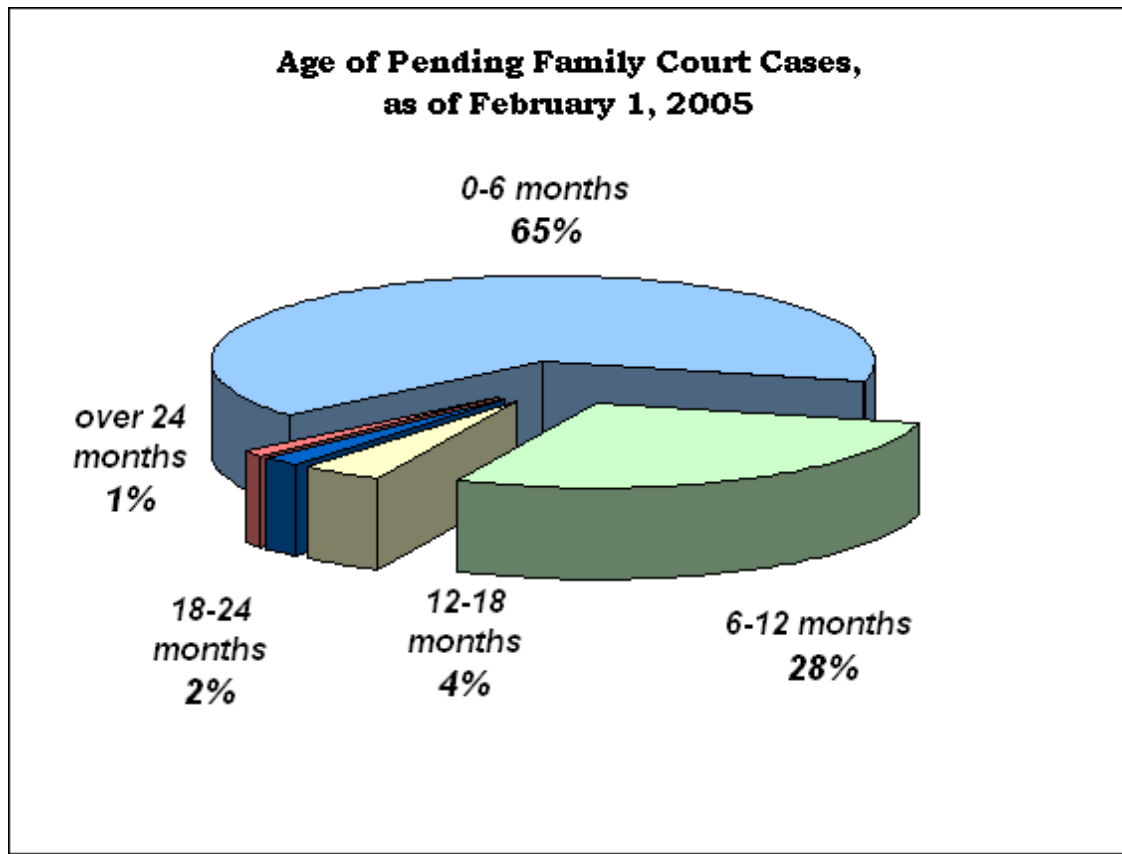


Age of Terminated Family Court Cases vs. Standards

<u>Cases Terminated</u>	<u>Dec 2004</u>	<u>Nov 2004</u>	<u>Oct 2004</u>	Arizona Supreme Court Standards ^a	American Bar Association Standards ^b
within 6 months	52.8%	61.1%	46.1%	95%	98%
within 12 months	91.3%	85.0%	83.5%	99%	100%
within 18 months	96.3%	91.6%	94.1%		
within 24 months	98.6%	93.1%	96.9%		

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

^b American Bar Association Standards relating to Trial Courts - Domestic Relations (adopted February 1992).

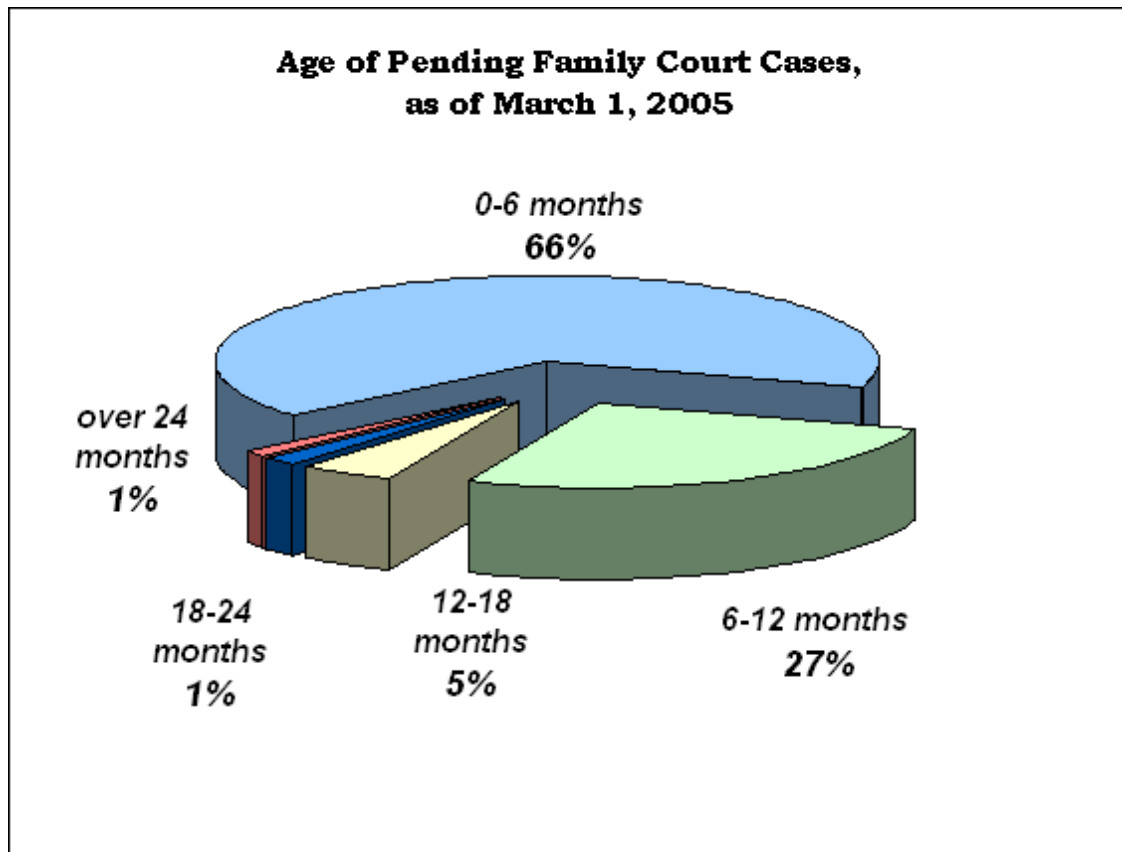


Age of Terminated Family Court Cases vs. Standards

<u>Cases Terminated</u>	<u>Jan 2005</u>	<u>Dec 2004</u>	<u>Nov 2004</u>	Arizona Supreme Court Standards ^a	American Bar Association Standards ^b
within 6 months	59.6%	52.8%	61.1%	95%	98%
within 12 months	87.5%	91.3%	85.0%	99%	100%
within 18 months	94.2%	96.3%	91.6%		
within 24 months	97.8%	98.6%	93.1%		

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

^b American Bar Association Standards relating to Trial Courts - Domestic Relations (adopted February 1992).



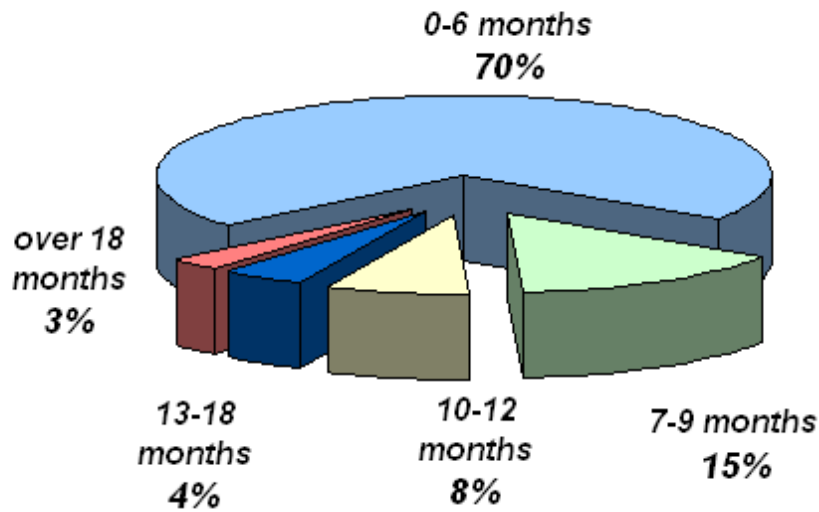
Age of Terminated Family Court Cases vs. Standards

<u>Cases Terminated</u>	<u>Feb 2005</u>	<u>Jan 2005</u>	<u>Dec 2004</u>	Arizona Supreme Court Standards ^a	American Bar Association Standards ^b
within 6 months	46.3%	59.6%	52.8%	95%	98%
within 12 months	90.8%	87.5%	91.3%	99%	100%
within 18 months	96.6%	94.2%	96.3%		
within 24 months	98.6%	97.8%	98.6%		

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

^b American Bar Association Standards relating to Trial Courts - Domestic Relations (adopted February 1992).

**Age of Pending Family Court Cases,
as of April 1, 2005**

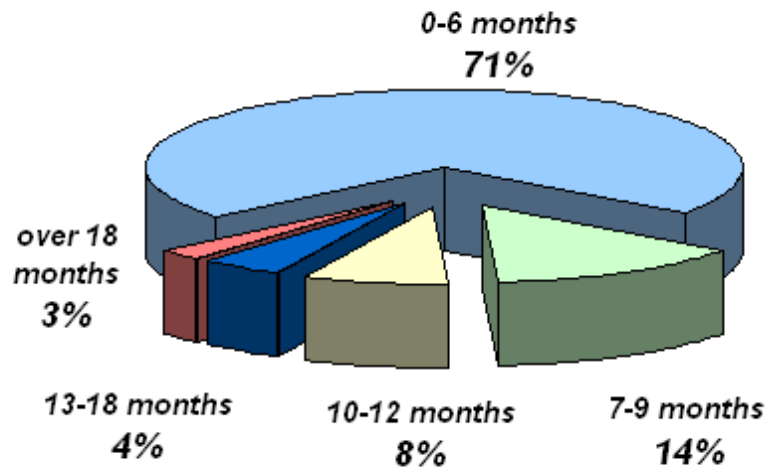


Age of Terminated Family Court Cases vs. Standards

Cases Terminated	March 2005	Feb 2005	Jan 2005	Superior Court Interim Goals		Arizona Supreme Court Standards^a
				<u>Dec- 05</u>	<u>Dec- 06</u>	
within 6 months	48.5%	46.3%	59.6%	70%	80%	95%
within 9 months	71.4%	70.7%	76.5%			99%
within 12 months	88.8%	90.8%	87.5%	90%	95%	
within 18 months	97.3%	96.6%	94.2%	95%	100%	

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

**Age of Pending Family Court Cases,
as of May 1, 2005**

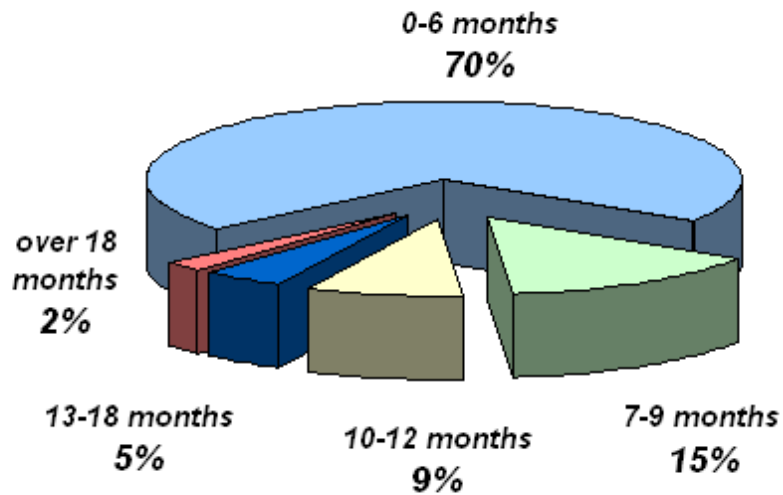


Age of Terminated Family Court Cases vs. Standards

Cases Terminated				Superior Court Interim Goals		Arizona Supreme Court Standards^a
	<u>April 2005</u>	<u>March 2005</u>	<u>Feb 2005</u>	<u>Dec- 05</u>	<u>Dec- 06</u>	
within 6 months	59.6%	48.5%	46.3%	70%	80%	95%
within 9 months	74.5%	71.4%	70.7%			99%
within 12 months	89.8%	88.8%	90.8%	90%	95%	
within 18 months	96.2%	97.3%	96.6%	95%	100%	

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

**Age of Pending Family Court Cases,
as of June 1, 2005**

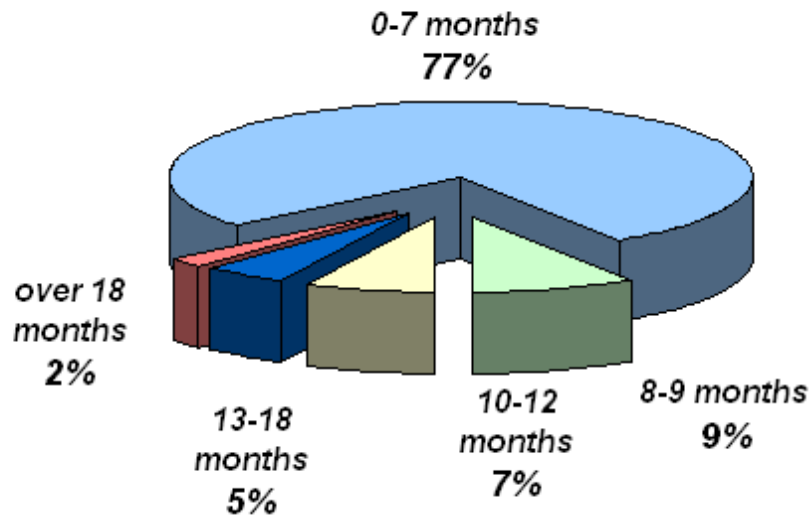


Age of Terminated Family Court Cases vs. Standards

<u>Cases Terminated</u>	<u>May 2005</u>	<u>April 2005</u>	<u>March 2005</u>	<u>Superior Court Interim Goals</u>		<u>Arizona Supreme Court Standards^a</u>
				<u>Dec-05</u>	<u>Dec-06</u>	
within 6 months	66.4%	59.6%	48.5%	70%	80%	95%
within 9 months	80.8%	74.5%	71.4%			99%
within 12 months	88.6%	89.8%	88.8%	90%	95%	
within 18 months	95.8%	96.2%	97.3%	95%	100%	

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

**Age of Pending Family Court Cases,
as of July 1, 2005**

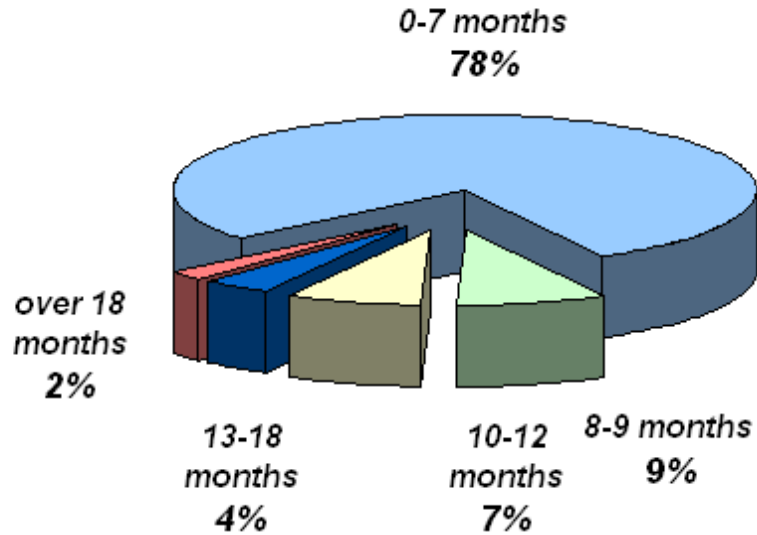


Age of Terminated Family Court Cases vs. Standards

Cases Terminated				Superior Court Interim Goals		Arizona Supreme Court Standards^a
	<u>June 2005</u>	<u>May 2005</u>	<u>April 2005</u>	<u>Dec- 05</u>	<u>Dec- 06</u>	
within 7 months	68.4%	<i>n.a.</i>	<i>n.a.</i>	70%	80%	95% (6 months)
within 9 months	76.4%	80.8%	74.5%			99%
within 12 months	91.2%	88.6%	89.8%	90%	95%	
within 18 months	96.7%	95.8%	96.2%	95%	100%	

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

**Age of Pending Family Court Cases,
as of August 1, 2005**

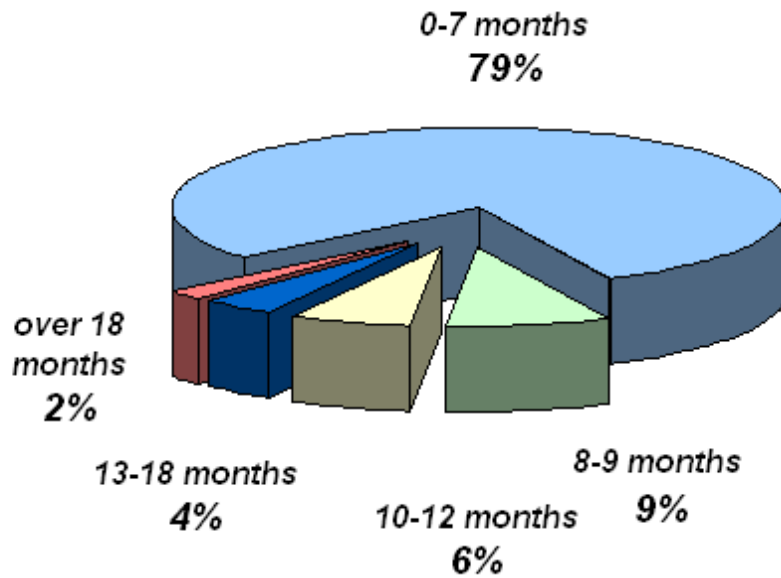


Age of Terminated Family Court Cases vs. Standards

<u>Cases Terminated</u>	<u>July 2005</u>	<u>June 2005</u>	<u>May 2005</u>	<u>Superior Court Interim Goals</u>		<u>Arizona Supreme Court Standards^a</u>
				<u>Dec-05</u>	<u>Dec-06</u>	
within 7 months	65.1%	68.4%	<i>n.a.</i>	70%	80%	95% (6 months)
within 9 months	72.4%	76.4%	80.8%			99%
within 12 months	88.5%	91.2%	88.6%	90%	95%	
within 18 months	97.8%	96.7%	95.8%	95%	100%	

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

Age of Pending Family Court Cases, as of September 1, 2005

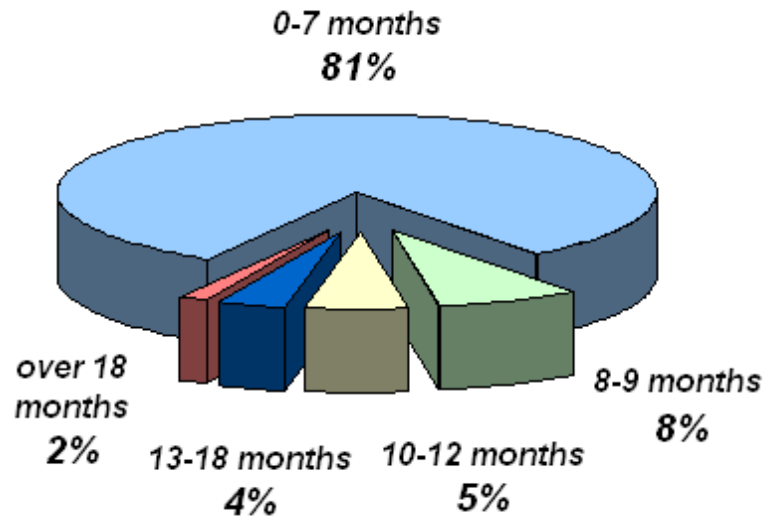


Age of Terminated Family Court Cases vs. Standards

<u>Cases Terminated</u>	<u>August 2005</u>	<u>July 2005</u>	<u>June 2005</u>	<u>Superior Court Interim Goals</u>		<u>Arizona Supreme Court Standards^a</u>
				<u>Dec-05</u>	<u>Dec-06</u>	
within 7 months	67.5%	65.1%	68.4%	70%	80%	95% (6 months)
within 9 months	74.7%	72.4%	76.4%			99%
within 12 months	92.3%	88.5%	91.2%	90%	95%	
within 18 months	98.1%	97.8%	96.7%	95%	100%	

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

**Age of Pending Family Court Cases,
as of October 1, 2005**

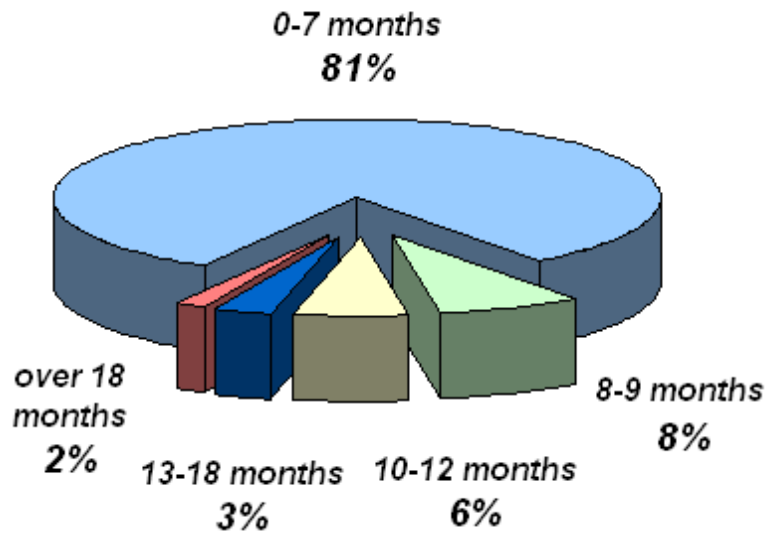


Age of Terminated Family Court Cases vs. Standards

<u>Cases Terminated</u>	<u>Sept 2005</u>	<u>August 2005</u>	<u>July 2005</u>	<u>Superior Court Interim Goals</u>		<u>Arizona Supreme Court Standards^a</u>
				<u>Dec-05</u>	<u>Dec-06</u>	
within 7 months	64.4%	67.5%	65.1%	70%	80%	95% (6 months)
within 9 months	78.7%	74.7%	72.4%			99%
within 12 months	92.3%	92.3%	88.5%	90%	95%	
within 18 months	97.1%	98.1%	97.8%	95%	100%	

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

Age of Pending Family Court Cases, as of November 1, 2005

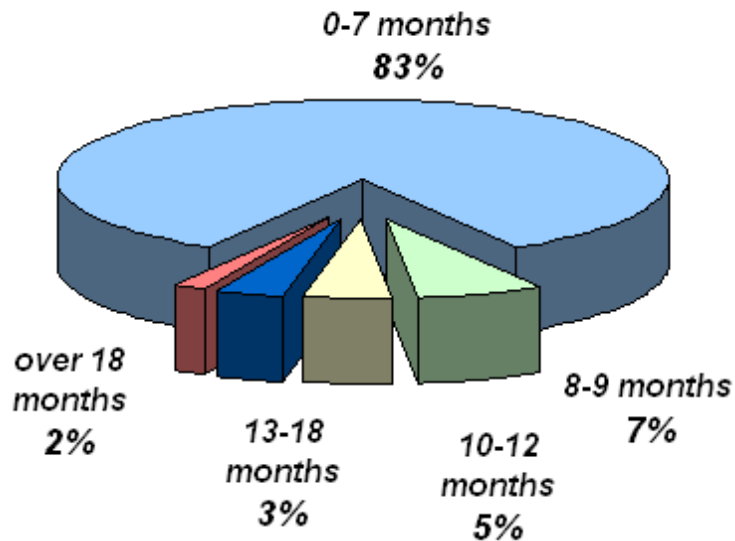


Age of Terminated Family Court Cases vs. Standards

<u>Cases Terminated</u>	<u>October 2005</u>	<u>Sept 2005</u>	<u>August 2005</u>	<u>Superior Court Interim Goals</u>		<u>Arizona Supreme Court Standards^a</u>
				<u>Dec-05</u>	<u>Dec-06</u>	
within 7 months	74.0%	67.5%	65.1%	70%	80%	95% (6 months)
within 9 months	84.5%	74.7%	72.4%			99%
within 12 months	93.7%	92.3%	88.5%	90%	95%	
within 18 months	98.0%	98.1%	97.8%	95%	100%	

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

**Age of Pending Family Court Cases,
as of December 1, 2005**

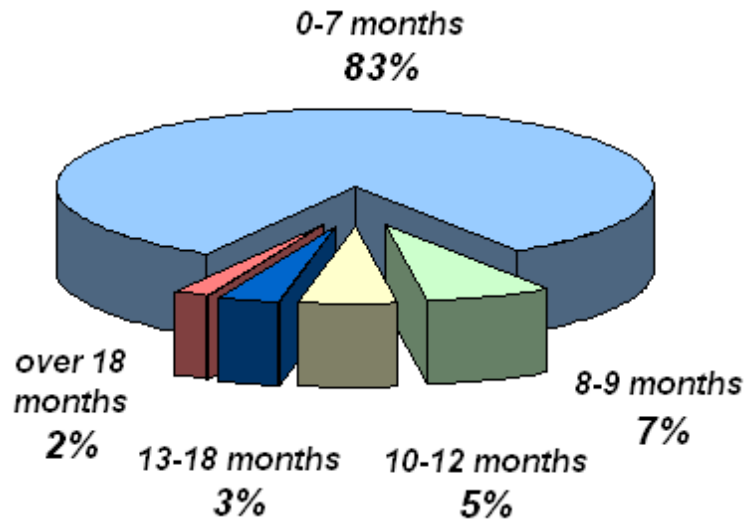


Age of Terminated Family Court Cases vs. Standards

<u>Cases Terminated</u>	<u>Nov 2005</u>	<u>Oct 2005</u>	<u>Sept 2005</u>	Superior Court Interim Goals		Arizona Supreme Court Standards^a
				<u>Dec-05</u>	<u>Dec-06</u>	
within 7 months	59.3%	74.0%	67.5%	70%	80%	95% (6 months)
within 9 months	76.8%	84.5%	74.7%			99%
within 12 months	93.3%	93.7%	92.3%	90%	95%	
within 18 months	98.2%	98.0%	98.1%	95%	100%	

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

**Age of Pending Family Court Cases,
as of January 1, 2006**



Age of Terminated Family Court Cases vs. Standards

Cases Terminated	Dec 2005	Nov 2005	Oct 2005	Superior Court Interim Goals		Arizona Supreme Court Standards^a
				<u>Dec- 05</u>	<u>Dec- 06</u>	
within 7 months	72.4%	59.3%	74.0%	70%	80%	95% (6 months)
within 9 months	87.8%	76.8%	84.5%			99%
within 12 months	94.3%	93.3%	93.7%	90%	95%	
within 18 months	97.9%	98.2%	98.0%	95%	100%	

^a Arizona Supreme Court General (Trial Court) Time Standards for Domestic Relations case processing (November 15, 1991).

D. Other Statistics

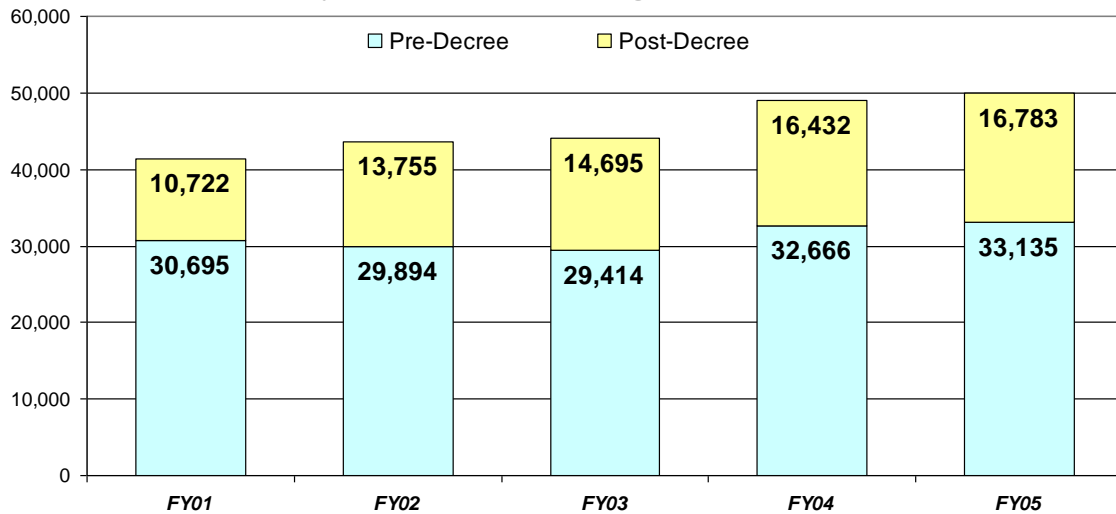
Family Court Case Filings.....FY 01 – FY 05

Family Court Case AgingJuly 04 - Nov. 05

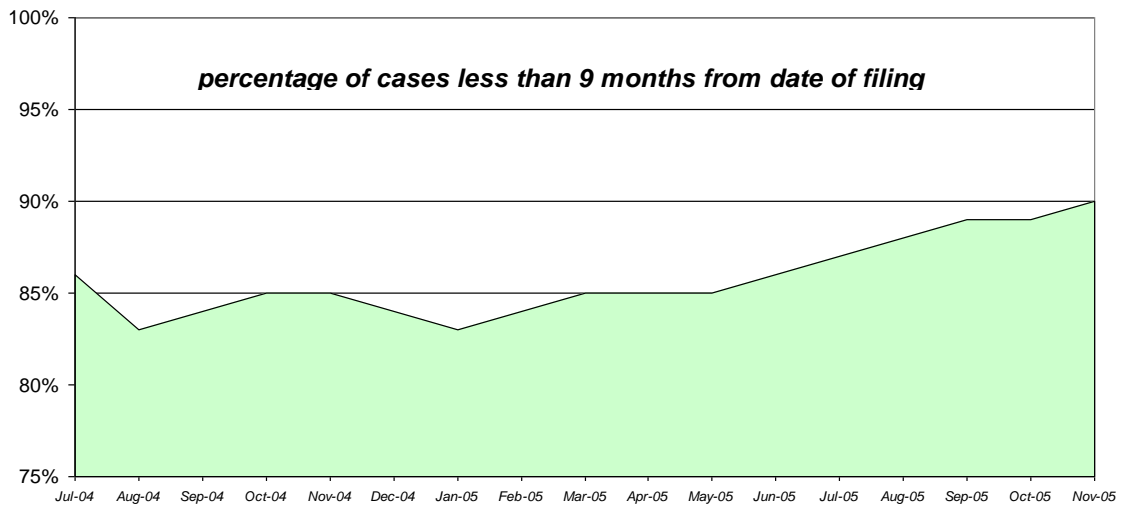
Family Court Pending CasesAug. 04 – Nov. 05



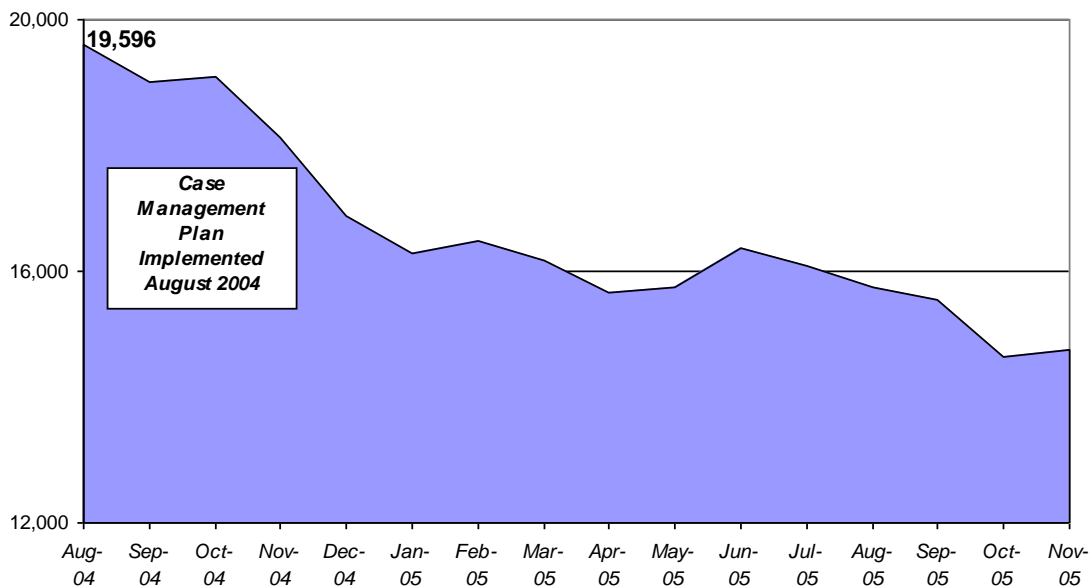
Family Court Case Filings, FY01 - FY05



Family Court Case Aging (pre-decree pending inventory)



Family Court Pending Cases (pre-decree)



E. Recognition/Publicity

The strides made to improve the Family Court in Maricopa County Superior Court have received national, state and local attention. In January 2006, the Court's Uniform Case Management Plan and improvements were featured in an *American Bar Association Journal* article entitled "Arizona Makes Family Courts User-Friendly." (Attachment 4). Norman Davis, Family Court Presiding Judge, and Mary Bucci, former Family Court Administrator, presented the Maricopa Model of Uniform Case Management to the California Family Project Planning Team in San Francisco in August 2005 at that organization's invitation. (Attachment 4).

In January 2006, Norman Davis, Family Court Presiding Judge, was asked to present information on the Maricopa Model to the Hawaii Court Legislative Task Force. At the same time, Diana Hegyi, Special Projects Administrator, provided information on the Maricopa Model to the Hawaii State Coalition Against Domestic Violence. Hawaii is also exploring improvements to its Family Courts through unified procedures.

Mary Sammon, Senior Management Consultant with the National Center for State Courts, has requested a copy of the Maricopa County Model of Uniform Case Management. In June 2006 Diana Hegyi will present a workshop entitled "Innovations in Court Services" at the annual conference of the International Association of Family and Conciliation Courts meeting in Florida that will describe the strides made by Maricopa County's Family Court.

In the fall of 2005, Carolyn Passamonte, Presiding Family Court Commissioner, and Diana Hegyi presented the Maricopa Decree on Demand program to the Yavapai County Superior Court Judges and Administrators at that Court's invitation. In December 2005, the *Arizona Republic* published an article entitled, "Messy Family Court Shows Improvement," describing the Court's innovations. (Attachment 4). In January 2006, Judge Newton, Coconino County Superior Court Presiding Judge, and Judge Randolph Bartlett of the Mohave County Superior Court requested information concerning the Uniform Case Management Plan the Maricopa Family Court has developed. The Gila County Superior Court judicial officers and staff have also asked to meet with Judge Davis regarding the Maricopa County Family Court changes. eCourt is now in operation in 4 Arizona Counties –Maricopa, Yavapai, Mohave, and La Paz.

In August 2004 the *Maricopa Lawyer*, the journal of the Maricopa County Bar Association, published an article regarding the Default on Demand program. (Attachment 4). Family Court Judges and the Family Law Bench discussed the Court's improvements at the meeting of the MCBA's Family Law Section in November 2005. (Attachment 4). In October 2005 Diana Hegyi presented a seminar on the Post Decree Child Support Court to Court staff and users. (Attachment 4). In June 2005, Diana Hegyi provided an overview of the

Decree on Demand program to the Maricopa County Court staff, Family Court practitioners, potential litigants, and document preparers. (Attachment 4).

In the fall 2005, an article explaining the Default on Demand program was published in *The Legal Pad*, the newsletter of the Arizona Courts Association publication. (Attachment 4).

IV. Detailed Initiative Progress

Of the 29 initiatives that we identified for improvement 23 have been fully completed, 5 are awaiting the availability of additional computer programming resources to complete and one is projected to be completed in conjunction with action required by the Supreme Court. With respect to each specific individual initiative identified in our Final Plan of Enhancement submitted to the Arizona Supreme Court on December 7, 2004, we report as follows:

Initiative 1: Immediately implement a uniform case management system patterned after the Northwest Pilot Project model that can be continually refined and improved.

The central objective in improving the Family Court in Maricopa County was to develop a uniform system of case management that included early proactive case management, meaningful hearings, a strict continuance policy, and targeted use of ancillary services to reduce the delay and confusion present in the system. To commence this process, the Family Court bench held a retreat on August 27, 2004, (Attachment 5) and adopted the basics of a new uniform case management system, and approved a number of specific case management proposals set forth in the attached Uniform Case Management proposal dated August 27, 2004 (Attachment 6).

Although the letter from the Arizona Supreme Court directing improvement had only been issued 3 days prior to the retreat, the Family Court was able to accelerate the development of the basic principles of an improved uniform case management system because of the existence of a case management pilot project that had been operating at the Northwest Regional Center of the Court. Commencing with the opening of the Northwest Regional Center in Surprise, Arizona on July 15, 2002, four Judges assigned to Family Court calendars began managing cases within a substantially uniform system. Both the Greacen Report and Chief Justice Jones had cited this Pilot Project as the model upon which to base the new strategy. The concept and details of the Northwest Pilot Project are formalized in the memorandum dated February 28, 2003 to then Presiding Judge Colin Campbell. (Attachment 7).

Our view of a proper uniform case management system is that it must provide efficient and clear procedures to process every case filed in the Family Court system. Accordingly, this initiative to develop a comprehensive uniform case management system necessarily includes the development of all other initiatives, procedures and programs in place or being developed in Family Court. As described elsewhere in this report, much of the last year and a half has been devoted to developing an array of programs and procedures that combine to complete and support a uniform system. With these numerous changes and additions occurring at such a rapid pace, our uniform case

management system went through numerous revisions and evolutions during this time. This process has now solidified sufficiently that the Family Court Department was able to officially memorialize and formally adopt the most current version of the Uniform Case Management Plan at a department meeting held on September 21, 2005. A copy of the current Uniform Case Management Plan is included with this report.

The Uniform Case Management Plan currently in effect in the Maricopa County Family Court is a differentiated case management model that employs early active Judicial management, a focus on final resolution, required litigant preparation for conferences, targeted use of ancillary referrals, early firm trial dates, and user-friendly processes to manage and resolve each category of cases with common characteristics in a uniform manner. While each category may have different characteristics and procedures for resolution, significant effort has been expended to insure that all cases are managed and resolved in a fair and efficient manner. All processes and programs have been designed with deference to the specific goals outlined in the plan. Because our Uniform Case Management Plan is inseparable and comprised in part from all of the other initiatives we committed to implement, we will incorporate the discussion under the other initiatives that follow, rather than further repeat their results here.

Similarly, rather than repeat the various individual components of the adopted Uniform Case Management Plan, we have included a complete copy of the following documents comprising the formal written plan for your review:

Evolution of Uniform Case Management Plan (Attachment 8).
Uniform Case Management Plan Adopted September 21, 2005
(Attachment 9).
Minute Entries and Orders To Appear Forms & Index
(Attachment 10).
Administrative Orders & Index (Attachment 11).
Family Court Administrative Forms & Index (Attachment 12).

Fortunately, development of a Uniform Case Management Plan in Maricopa County coincided with the drafting and adoption of new statewide *Arizona Rules of Family Law Procedure* by the Arizona Supreme Court. Many of us have recognized the need for such rules for many years, and their adoption assisted a more rapid development of the current management system in Maricopa County. The new rules formalized some of the procedures piloted at the Northwest Regional Court, and facilitated improvement in both the new rules and in Maricopa County's Uniform Case Management Plan.

The existence of a written plan does not, of course, guarantee its unerring implementation, but the nature of the plan itself ensures or, at the very least, encourages compliance with the plan. For example, the majority of our cases are uncontested matters that are either terminated through the Decree on

Demand program or administratively dismissed. Individual litigants at their own convenience now schedule default and Consent Decree hearings in the Decree on Demand program electronically on the Court's calendar. This procedure ensures that the Court must be and will be ready to conduct hearings to finalize these cases on the designated dates. Family Court Administration has been given specific directives to terminate abandoned cases, and this process will soon be automated to ensure it happens timely and consistently.

The written plan documents listed above also now form the basis for training all Judges and Commissioners rotating into the Family Court Department. They were first used in their present form to train the last group of judicial officers that rotated into the Family Court Department in September 2005. Change is always difficult, but the new Judges rotating into the department have embraced this uniform plan. The Northwest Regional Center Judges that were part of the formation of the principles in the uniform plan, of course, took no convincing and continue to operate with the newest refinements to the plan. Most of the continuing Judges in the department that were present when the plan was adopted have shifted to the new concepts to the extent necessary in significant part over the last year.

Adoption of the new *Arizona Rules of Family Law Procedure* effective January 1, 2006, also served as a catalyst to transition to the new plan, as old forms and procedures developed under the *Arizona Rules of Civil Procedure* became outmoded. One of the attractions to the bench under the new plan is the central and consistent development and updating of uniform minute entries and orders as rules, statutes and procedures change from time to time. Under a new uniform distribution system all new forms are automatically distributed to each division's Clerk and/or Judicial Assistant within a day or two of their approval.

While it would be inaccurate to state that every Family Court Judge in Maricopa County unerringly follows every concept and procedure in the Uniform Case Management Plan in every case at all times, it is fair to say that substantially all cases in the Maricopa County Family Court are now consistently processed within the principles and procedures outlined in the Plan. In every relevant sense, we have completed what we committed to do—implement a uniform case management system for all cases that will be continually refined and improved, as needed.

Initiative 2: To the extent personnel and resources allow, all self-represented litigants scheduled for an ERC with an Attorney Case Manager will be scheduled for a presumptive 1-hour trial to adjudicate all unresolved issues.

Approximately 26% of all cases are contested cases that require active judicial management and resolution. At any one time approximately 80% to 88% of all filed cases in the Family Court involve one or two self-represented litigants, although a significantly higher percentage of the contested cases have attorney representation.

The Attorney Case Manager (ACM) at the Northwest Regional Court piloted the ERC program for the last 2 years. Approximately 50% of the cases were fully resolved at the conference. The cases that were not fully resolved at the ERC were set on the judge's calendar for a one-hour trial. At trial the judge conducted further discussions with the parties and/or trial activity as indicated to get the case fully resolved. Based upon the success of the pilot project, the court fully instituted the ERC program. Now, all contested cases involving two self-represented litigants are settled or initially managed in an early intervention program known as the Early Resolution Triage Program.

Five attorney case managers who are trained to mediate and conduct settlement conferences in Family Court cases are now conducting Early Resolution Conferences with pro se litigants. Early intervention in these cases is being accomplished when an ERC is scheduled by the Court as soon as the case becomes contested by the filing of a Response. At the time of the ERC, one of three possible outcomes is accomplished: 1) The case is fully resolved with a full Consent Decree that is prepared, signed and forwarded to a Court Commissioner for signature; 2) The parties are able to reach final partial agreement on some of the issues that is memorialized in a written agreement that is filed in the case; or 3) Where one or more contested issues have not been resolved, a trial is scheduled and the parties are handed a Notice of Trial Setting together with a Notice of Trial Requirements that details what is required to prepare for the trial.

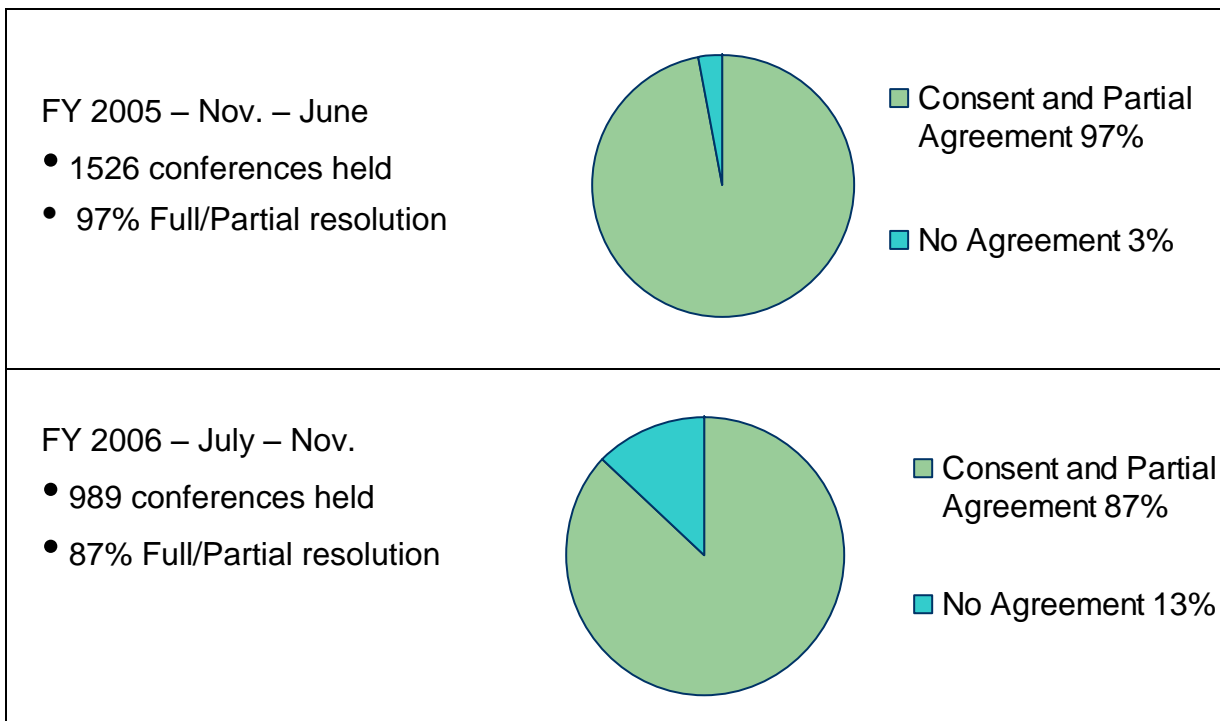
The Early Resolution Triage Program is outlined in Administrative Order No. 2005-045, together with the policy statement and forms. (Attachment 13). The program also involves the services of a Conciliation Services Counselor as needed to mediate the child custody issues or determine whether alleged parental unfitness issues need evaluation.

The parties are ordered to complete a Resolution Statement (M.E. FC691) attached to the Order to Appear, to personally meet and confer to resolve or narrow issues prior to the ERC unless an Order of Protection is in effect, to complete disclosure requirements, and to complete or schedule attendance at a mandatory parent education program prior to the ERC.

The goals of the program are: (1) To obtain full and final settlement of all issues where possible, assist the parties to memorialize all agreements, and facilitate the entry of a Consent Decree if full agreement is reached; and (2) To manage unresolved custody and child support issues, evaluate the need for pre-trial custody and child support services, and initiate referrals and services appropriate to prepare the case for trial. Every case should be finalized with the entry of a Consent Decree or scheduled for a trial or future event to bring closure to all of the issues in the case.

Each judicial division participating in the Early Resolution Triage Program provides 6 trial dates of 1 hour in length each month to Court Administration for use by the Program. Each division also has the option of providing an additional 1 or 2 trial dates each month of 2 hours in length for more complex cases that may require additional time. If the trial dates are not utilized 30 days before the scheduled date, they are released back to the division to utilize as appropriate.

Automation was also needed to ensure that appropriate statistical measures were gathered. The business plan was developed and submitted to the Court's computer team. (Attachment 14).



Initiative 3: The trial divisions would presumptively schedule a trial or other terminating event in every pre decree case at the Resolution Management Conference.

As part of the Department's Uniform Case Management Plan adopted September 21, 2005, a policy was adopted to presumptively schedule trial dates in every pre decree case at the time of the Resolution Management Conference. In those few cases where additional time is required or legal requirements prohibit a trial being conducted, the Court's policy is to schedule a subsequent continued RMC or dismissal date to avoid the case languishing without direction. As stated in paragraph VII(C)(5)(c) of the approved Plan:

c. Trial Date Set. **A trial date should be scheduled in every case (with rare exceptions) at the RMC.** In the event legal impediments are known at the RMC that may prevent a trial from going forward (e.g. a bankruptcy stay), or the complexity or circumstances of the case are such that further management or hearings are required before trial can be scheduled, a subsequent continued RMC or conditional dismissal date should always be ordered to prevent the case from languishing without clear direction (e.g. case will be dismissed on date certain unless bankruptcy stay is lifted, and motion to set filed). The Court should also consider whether reasonable time limits should be imposed on the trial proceedings in accordance with Rule 16(h), *Arizona Rules of Civil Procedure*.

The procedure to presumptively schedule a trial date at the Resolution Management Conference is now authorized by Rules 76 & 77, *Arizona Rules of Family Law Procedure*. Obviously, the scheduling of an appropriate trial date to resolve all contested issues is within the sound discretion of the individual judicial officer, but the department's current policy is designed to schedule a trial date at the time of the Court's first intervention in the case. With the parties and their attorneys present the Court can best assess the length of trial required and when it should be conducted. Legitimate requests for additional time to prepare for trial are discussed and accommodated at the Resolution Management Conference. In those cases when a trial cannot reasonably be scheduled at the first Conference because of unusual complexities or legal requirements, the department's policy is to schedule an additional conference when a trial date can be scheduled.

While it is difficult to empirically assess the result of early firm trial dates in a vacuum without considering the impact of all of the other programs and initiatives, perhaps the best indicator of the success of this change is to monitor the reduction on older cases pending before the Court. In this regard, significantly fewer cases are pending before the Court now than was the case a year and a half ago. The following table compares case aging from July, 2004 with our most recent statistics prepared February 6, 2006:

Age of Cases Pending	Number of Pre Decree Cases Pending		Percentage Reduction
	July 2004	January 2006	
Less Than 7 Months*	14,650	10,867	25.8 %
From 7 to 9 Months**	2,107	947	55.1%
From 9 to 12 Months	1,149	716	37.7%
Over 12 Months***	1,685		58.3 %
From 12 to 18 Months***		466	
More Than 18 Months***		237	
Totals Pre Decree	19,591	13,233	32.5%

* This case aging category for July 2004 includes cases from 0 to 180 days, and 0 to 210 days for January 2006 to reflect change in time to termination goals.

**This category for July 2004 includes cases from 181 to 270 days, and 211 to 270 days for January 2006.

***Case aging over 12 months was further refined into cases 12 to 18 months, and cases over 18 months between the statistical periods.

While case aging was modified slightly during this time to track cases pending less than 7 months, as compared to 6 months previously, to more closely fit our time to disposition goals, the net result is that we reduced our entire case inventory by 32.5% or 6,358 pending pre decree cases, during the last year and a half. This data confirms what we know from experience and intuition, i.e. that a scheduled trial date generates earlier trial preparation and settlement activity than would have otherwise occurred. In harmony with the goals of our Uniform Case Management Plan, this dynamic also reduces the frustration, financial hardship, and trauma to family relationships that is inherent in unnecessarily protracted Family Court litigation.

Initiative 4: Immediately implement a firm trial continuance policy.

The Maricopa County Family Court has now adopted a firm trial continuance policy. As stated in paragraph VI(F)(2) of the adopted Uniform Case Management Plan:

2. Motions/Stipulations To Continue.

The Family Court Department has adopted a firm trial continuance policy. The Court should closely follow the standards set by Rule 38.1(h), (i), *Arizona Rules of Civil Procedure*, and Maricopa County Local Rule 3.4. Maricopa County Local Rule 6.8(f) directs that Stipulations to continue trials are simply joint motions to continue and must meet the same requirements of good cause. Undue continuances of trial dates not only cause the parties to experience unnecessary delay, increased expense and frustration, but also create calendar congestion for the Court by multiplying the trial time dedicated to each case, and allowing more intervening process to be generated to temporarily stabilize issues during the delay. Any motion to continue should be in writing and carefully scrutinized.

It has long been known that the granting of liberal trial continuances by the Court, generally delays final resolution of cases, and in the Family Court context, increases stress and the financial burden to families in crisis. Each case is individual and unique, and each judicial officer must exercise his or her best judgment in assessing the circumstances justifying a trial continuance, but to the extent practicable we have now incorporated a firm trial continuance as an integral part of our Uniform Case Management Plan.

Initiative 5: Immediately and uniformly affirm all scheduled trials and hearings when a case is transferred to another division by reason of recusal or a notice of change of Judge.

As the Court is aware, pursuant to Rule 42(f)(1), *Arizona Rules of Civil Procedure* (now adopted in Rule 6, *Arizona Rules of Family Law Procedure*), each party is allowed to change their assigned Judge once as a matter of right if their request is timely filed and the right is not waived. Occasionally Judges are also required to recuse themselves from hearing a case for a variety of reasons. In assessing the process by which a new Judge is reassigned we identified two distinct problems that created undue delay in these cases.

First, the filing of a Notice of Change of Judge or a recusal by the assigned Judge caused all pending matters to be vacated subject to the newly assigned division resetting them. This dynamic encouraged the filing of notices for the purpose of obtaining a continuance, sometimes under circumstances when the assigned division had or would deny a motion to continue. Significant delay is also encountered when a scheduled trial, hearing or conference is vacated and sufficient time must be found to hear the matter on the already crowded calendar in the newly assigned division.

A second problem in the reassignment procedure itself caused additional delay. Historically, when the assigned division received a notice or was required to recuse, that division manually transmitted all pending paperwork to the Family Court Presiding Judge's office. The established process required a new assignment to be made by the Presiding Judge and a minute entry to be generated to make the assignment and notify all parties. If any person in this chain was delayed for any reason, the process could take days, and sometimes weeks to accomplish. The problem was, of course, accentuated if the assigned Judge was assigned at a regional center remote from the Presiding Judge.

To solve this problem, a policy change has occurred in the department to allow these changes to occur in one day, often within an hour of notification of the need to change the Judge. Paragraph VI(F)(1) the Uniform Case Management Plan now provides that:

1. Recusals, Notices & Motions For Change of Judge.

Effective August 10, 2004, an accelerated method to reassign cases arising out of the filing of a timely Notice of Change of Judge or a recusal by the assigned Judge has been implemented. As always when a Notice of change as a matter of right pursuant to Rule 42(f)(1) is received, the assigned Judge decides whether the Notice is timely filed or has been waived. *Taliaferro v. Taliaferro*, 186 Ariz. 221, 223, 921 P2d 21, 23 (1996).

If the assigned Judge grants the Notice or recuses from the case, the division's Judicial assistant or bailiff simply provides the division number, the case number, the parties' names, any attorneys' names, and lists any pending matters on an interactive, electronic memo. (Attachment 15). The memo is then e-mailed to the Family Court Presiding Judge's Judicial assistant. Because the memo is interactive the presiding JA, when approved by the Presiding Judge, inserts the division number of the new Judge to be assigned based on a "lose one, get one" formula, and then electronically forwards the revised memo (Attachment 15) reassigning the case both to the noticed division and the newly assigned division. The noticed division then forwards all pending pleadings and documents directly to the newly assigned division. An important change is that all pending conferences, hearings, and trial dates are affirmed with the newly assigned division having responsibility to reset or obtain coverage of the dates if they conflict with other matters.

The new process has been in place since August 2004 and has experienced no significant problems. This initiative is complete. We are now looking to the future and have developed a software enhancement to the iCIS system that will allow this entire process to be completely automated in the near future.

This electronic process has worked extremely efficiently since August 2004. The noticed or recusing division now receives immediate notification of the newly assigned division, allows them to notify all parties and counsel of the new assignment without delay, and results in the prompt delivery of all pending pleadings and documents to the newly assigned division. Pursuant to the policy all parties are notified that any pending trial, hearing or conference is affirmed at the date and time scheduled subject to the newly assigned division resetting if necessary. Accordingly, a party or attorney filing a Notice of Change of Judge merely to accomplish a delay has no assurance that the matter will be continued if it can be accommodated in the newly assigned division.

Initiative 6: Immediately eliminate extensions on the Inactive Calendar in favor of setting a Resolution Management Conference, dismissing the case, or assisting the entry of a default or Consent Decree.

Historically, the Family Court in Maricopa County has received a significant volume of motions from parties and attorneys seeking to continue a case on the inactive calendar. The granting of such a motion merely allowed the case to remain on the inactive calendar and not be dismissed for the designated time ordered. By definition the assigned judicial officer had not met with the parties or managed the case, because under the civil rules no action was required until the parties requested a trial date or conference. Thus, in granting these motions it was generally difficult to determine whether the delay was warranted or merely just delaying action on the case.

To resolve this problem, the Family Court Department adopted a written policy to either deny the motion to continue on the inactive calendar if no continuance was supported, or more often, to schedule the case for a Resolution Management Conference on the Court's own motion. In the later instance, the motion to continue on the inactive calendar is granted with a new dismissal date coinciding with the date of the Conference. Pursuant to paragraph VI(F)(4) of the Uniform Case Management Plan, this policy is stated as follows:

4. Motions To Continue On Inactive Calendar.

The policy of the Family Court Department is to either deny the Motion To Continue On The Inactive Calendar if an extension is not warranted or, if granted, to schedule a Resolution Management Conference (RMC) and continue the case on the inactive calendar only until the day of the scheduled conference. (M.E. FC514). This will facilitate dismissal of the case on that date of the RMC if the parties fail to appear. (M.E. FC516). Once the assigned Judge has ruled on this motion, Court administration defers to the Judge who must track the case to ensure the case is managed or dismissed appropriately.

With the adoption of the new *Arizona Rules of Family Law Procedure*, the concept of an "Inactive Calendar" fostered by Rule 38.1, *Arizona Rules of Civil Procedure* is eliminated. The designation has always been somewhat fictitious in the sense that an inactive calendar case was not placed anywhere—it merely stayed in the system where it was with no action occurring. A significant number of these motions have historically been generated from forms available for this purpose in our Self Service Center. We have eliminated these forms in favor of a request to schedule a Resolution Management Conference with the assigned Judge or, in the case of two self-represented litigants, an Early Resolution Conference with an attorney case manager. With

these internal changes and the adoption of the new rules eliminating the inactive calendar concept, this change is complete.

Perhaps the best way to assess the impact of this change is by reference to our case aging statistics referenced in Initiative 3. It was not uncommon in the past to have multiple motions to continue on the inactive calendar filed and granted, thereby delaying the case for 30 to 90 days or more each time. We do not have precise statistics on the number of Motions to Continue on the Inactive Calendar granted, but strongly believe our new policy has contributed to the overall reduction in our case processing. It would be difficult to resolve most cases within the time frames we currently are achieving and still have any significant volume of cases being regularly continued on the inactive calendar. We anticipate that such motions will disappear entirely over time and be replaced with motions for the Court to schedule a conference or trial and concurrently delay the scheduled dismissal date. This change has the dual impact of not unreasonably dismissing a case prematurely, and establishing Court intervention to settle and/or manage the case to bring it to conclusion.

Initiative 7: Establish management teams for coming regionalization and maintain uniformity where possible.

Greacen Associates recommended the formation of a management committee to formulate and refine a standard case management process and to provide training and structure to the regional teams of Judges.

When the Northeast Regional Center opened, five Family Judges were assigned to it. The problem of maintaining a uniform case management system has become even more difficult than before with the Family Court Department now physically housed in Downtown Phoenix, Mesa, Surprise, and North Phoenix. Implementation of the Greacen recommendations was, consequently, necessary to create a consistent approach to operations, case flow management, and a uniform management structure.

A Family Court Bench Retreat was held in August 2004. At that meeting the Bench discussed a plan to create a uniform management structure before opening the Northeast Regional Center. Associate Presiding Family Court Judges were named for each region as follows:

Judge Colleen McNally, Northwest Facility
Judge John Ditsworth, Southeast Facility
Judge John Rea, Northeast Facility

In addition to adopting a management structure for judicial officers, Family Court restructured its administration staff to a regional management model, placing Family Court Administration staff in each facility and outlining specific responsibilities for each member of the management staff according to a management flowchart. (Attachment 16). The goals were to create consistent Court operations, case flow management, and services.

Finally, on February 25, 2005, the Presiding Judge issued Administrative Order No. 2005 – 032 that established and defined the relationship and authority between the Superior Court Departmental Presiding Judges and the Regional Presiding Judges. (Attachment 17).

Initiative 8: Immediately track and terminate all Order of Protection files separately, and where consolidation occurs, consolidate into the substantive dissolution or paternity case filed by the same parties.

Historically, Family Court statistics included a significant number of Order of Protection files as active cases, even though no further Court action was required. Order of Protection cases are designated as “FC” (Family Court Case With Children) and “FN” (Family Court Case Without Children). Most involve only a Petition for Order of Protection that is either granted or denied the same day it is filed following an ex parte hearing. There are also instances in which the Petitioner abandons the request after filing, and never presents the Petition to a judicial officer. This formerly resulted in an open case file for at least 6 months.

Once an order of protection is issued, the petitioner can serve the order on the respondent within a year of the date the order is issued, pursuant to A.R.S. § 13-3601. The order is effective until one year after the day it was served on the respondent. The respondent can request a hearing on the order of protection any time between the date the order is issued and the date the order expires. This date could, conceivably, be as long as two years after the date the petition for the order of protection was filed. When a request is received, hearings are routinely held within the 5 or 10 day time periods required by A.R.S. §13-3602(I).

Formerly, the case was treated as an open pre decree file for statistical purposes for at least 6 months when the matter terminated. After the case was terminated and when a subsequent request for hearing was filed, it was then treated as an open pre decree file a second time once the request for hearing was filed. This was so despite the fact that the Court could take no action concerning the matter until the petitioner presented himself or herself to a judicial officer at an ex parte hearing, and, once the order of protection was issued, the Court could take no further action until a request for hearing was received from the Respondent. Both decisions were solely in the discretion of the parties in order to provide maximum convenience to these litigants. Treating these files as open for at least 6 months from the time the petition is filed for statistical purposes gave the false impression that the matter had been awaiting determination by the Court for an extended period of time when, in fact, the Court could take no action.

An additional and more significant statistical anomaly resulted when one of the parties to an order of protection proceeding filed a later petition for dissolution or a paternity complaint. These petitions were not infrequently filed several years after the order of protection was dismissed or expired. The subsequent petition was often filed in the original order of protection case file so that judicial officers had as complete a record of the Family Court proceedings between the parties as possible. This again gave the false impression that the

new dissolution or paternity case was years old when in reality it had just been filed. If it was filed as a new case number, but subsequently consolidated into the lower case number as encouraged by Maricopa County Local Rule 2.1(c), it also erroneously appeared that it had been pending for months or years.

To address these issues, the Family Court Department changed its business practices effective November 1, 2004. (Attachment 18). Administrative Order No. 2005-046 ordered Court Administration to dismiss a Petition for Order of Protection that is filed but not presented to the Court for consideration within 30 days. (Attachment 19). In addition, to distinguish cases that are pending and require Court action from those that have been completed, the Court began to separately track all cases where an Order of Protection initiates the case. After the Court grants or denies the ex parte petition, a judicial assistant now enters the hearing event and result into iCIS. A request for hearing by a respondent is now treated as a post decree matter.

Cases in which petitions for orders of protection are filed, but in which the petitioner fails to appear before a judicial officer for an ex parte hearing are now dismissed if no action has occurred for 30 days after filing. Court staff identify these cases from the Cal-Acti report and issue an Order dismissing the case. In the future, these cases will be identified and dismissal orders will be automatically generated.

In those cases where a judicial officer deems it appropriate to consolidate an order of protection case with a substantive dissolution or paternity matter, the Court's policy has changed to presumptively consolidate the order of protection into the substantive case, regardless of which case was filed first. Not only is the Judge assigned to the substantive case more likely to have gained more knowledge of the parties and the controversy than is the Judge assigned the order of protection case (particularly where most of these orders of protection are heard by a Commissioner), but consolidation into the substantive case reduces the chance that the parties will have to reacquaint a newly assigned Judge with the substantive matter, as often happened when matters were consolidated into the lower case number. This policy also prevents a Judge from being unfairly credited with having a two year old case on his or her inventory because an order of protection was filed two years ago, when a petition for dissolution was only recently filed.

In order to accomplish this goal, judicial officers issue a minute entry consolidating into the substantive case (regardless of which case was filed first). Upon receipt of the minute entry, the Clerk of the Court codes iCIS to indicate a consolidation has occurred. Family Court Administration then terminates the order of protection matter and makes appropriate judicial assignment changes.

This initiative is 100% complete. In November 2004, 1164 cases were moved from the “open, active” roster during a review of old order of protection files. These cases represented orders of protection that had been granted, denied or never presented to the Court after being filed. This review has continued with respect to all order of protection matters since November 2004 resulting in an additional dismissal of approximately 15 cases per month. Terminating these matters quickly positively impacts the Court’s time to disposition statistics.

Initiative 9: Immediately track and consider all paternity cases where all pled issues have been adjudicated by entry of an order and nothing new is filed within 30 days as post decree cases.

The characterization of paternity cases for statistical purposes has always created difficulties in the past. Acknowledgements of Paternity are often filed that result in Orders of Paternity being entered. That may be the final resolution of matters between the parties. However, in many cases the parties live together or marry. When they separate, one of the parties may file an action for dissolution, for custody and parenting time, or to establish child support in the same case number. When that happened in the past, it appeared that the Court had allowed a case to languish for many years when the new filing is, in reality, a new matter. In order to track case aging in a meaningful manner, it is important to track the time when issues are first brought to the Court for adjudication until they are terminated.

Under this initiative, when all of the issues pled in a petition or filing (such as an acknowledgment and request to establish paternity, a petition to establish first Court custody and parenting time orders, a petition to establish child support, or a petition to establish paternity) have been adjudicated by a Court order, the case will be tracked as a post-judgment case for statistical purposes. Once statistical compilation is fully automated these cases will be identified and terminated in the Court's computer system upon data entry by judicial staff that a final judgment has been entered.

An administrative policy was issued on October 29, 2004 (Attachment 20) to change the Court's business practices regarding these cases. As a result, Family Court Administration will no longer reinstate a case for case aging purposes when later petitions are filed.

Effective November 1, 2004, Family Court Administration changed its business practices so that once the Court satisfied all initial issues pled in a petition or filing, the case was no longer carried on the Court's open, active roster. As this process has been formalized, it has eliminated old petitions being carried on the active docket when no issues are pending before the Court.

Initiative 10: Immediately track and consider all petitions to convert decrees of legal separation filed more than 30 days after entry of the decree as post decree cases.

Petitions for legal separation are properly tracked and reported as pre decree matters. Once a decree of legal separation is entered, however, the case is concluded and no further judicial action is required or contemplated unless and until one of the parties asks the Court to convert the legal separation to a dissolution of the marriage. Months or years often pass before this occurs, if it ever does.

In order to address this initiative, these cases are now tracked and reported as post-decree matters after the Decree of Legal Separation is entered in the same manner as outlined in Initiative 9.

Effective November 1, 2004, Family Court Administration changed its business practices so that once the Court enters a decree of legal separation, the case is no longer carried on our open, active roster list. This process has been formalized, and has ended the statistically misleading practice of reopening these cases as “pre decree” cases when a petition is filed many months or years later to convert the separation to a dissolution.

Initiative 11: Immediately target our oldest cases for prompt termination as soon as possible.

Family Court Administration assessed the current inventory of pre decree pending cases in each judicial division. Each division then progressively targeted all older cases for prompt termination. All cases that were pending for more than 6 months with no trial or hearing scheduled were scheduled for a Resolution Management Conference ("RMC") as soon as possible or, if appropriate, terminated. Judge McNally, Judge Campbell and Judge Reinstein acted as Special Assignment Judges to try conflicting trials and older cases so that all divisions could transition to a uniform case management system. Family Court administration staff also reviewed Cal-Acti (case aging) Reports and identified and terminated cases.

In December 2004, the judicial officers were given Cal-Acti reports that listed all cases assigned to them that were over 12 months old. The Judicial officer and his/her staff were encouraged to review each individual case and notify Court administration if the case had already been adjudicated so that Court staff could change case codes to show the case as having been terminated or send notices of dismissal to litigants, if appropriate. If the case had not been adjudicated, judicial staff set the case for hearing to determine an appropriate course of action.

Family Court Cal-Acti Reports continue to be generated monthly and given to each division so that each division can effectively track each case. Divisions can now request Cal-Acti reports tailored to their needs. For example, if a judicial officer wants to view all cases on his/her calendar that are 7 months or older, a report is generated and given to him/her.

The Divisions and Court Administration have been working diligently since June 2004 to target the oldest cases, utilize the RMC process and review the case-aging reports. As of September 1, 2004, there were 492 cases over two years old. As of December 1, 2004, there were 239 matters over two years. As of January 1, 2006, there were 237 pending matters over 18 months old.

Currently, only 5% of Family Court's case inventory is over one year old. There has been a dramatic decrease in the number of active, pending cases over 12 months old. In December 2005, the number of cases terminated exceeded the new case filings, which further reduces the active pending case inventory. Also, cases terminated in December 2005 exceeded the interim time standards. With systematic, aggressive case management, we continue to see improvements in time to disposition numbers.

Moreover, this focus on our oldest cases has had a positive effect on the statistics overall: our total active case inventory on July 31, 2004 was 19,591 and in March 30, 2005 the case inventory was down to 15,662. In November 2005, the active pending cases were down to 13,970.

Initiative 12: Periodically identify and consolidate multiple filings by the same parties with appropriate computer diagnostics.

Because many Family Court litigants are not represented by attorneys, it is not uncommon for both parties to file multiple and opposing petitions at various stages in the proceeding. For example, both parties may file competing Petitions for Dissolution of Marriage within days of each other. A misinformed party may file a “post decree” petition to modify or enforce a prior order under a new cause number before their pre decree matter has been resolved. Either or both parties may request orders of protection against the other party without disclosing to staff that there is a prior or ongoing Family Court matter involving the parties. If attorneys are involved, these cases are generally consolidated appropriately, but self-represented litigants may fail to even notify the multiple judicial officers of other pending cases. Delay, confusion and inconsistent results may occur if these multiple filings are not quickly discovered.

This initiative proposes that the Court periodically examine its case inventory using a computer program to identify those cases in which parties appear to have multiple cases pending, or prior closed cases between the parties that are relevant to pending post decree cases. These cases can then be quickly consolidated.

We have submitted a business plan and request to the Court’s information technology team for programming that would identify existing overlapping cases. This initial report was recently generated. Thereafter, it is anticipated that this report can be generated weekly so that all of these matters will be identified on an ongoing basis and consolidated.

The Family Court Presiding Judge has begun to evaluate the number of cases that fall into this category and will decide how to manage the situation. Several case management options have been discussed, including having each regional Family Court Presiding Judge manage these cases at his or her region, having the Family Court Presiding Judge manage all cases that meet this criterion, or assigning these matters to all Family Court Judges according to the current assignment algorithm.

Initiative 13: Establish case management statistical standards, and improve the accuracy and reporting of statistical information.

The Family Court has generally maintained adequate statistics to assess the overall performance of its total caseload and time to disposition rates. More detailed statistical information needed for more effective and efficient case management, however, has not developed as fast as the development of computerized methods to generate such information. In developing this initiative, the Family Court recognized that virtually every decision impacting case managing and processing is impacted by accurate, reliable and timely statistical information. Eliminating, creating or modifying a process or program solely with anecdotal information and broad statistical data simply is not nearly as effective as making such decisions with precise detailed statistics and information capable of tracking and assessing the benefit or detriment of the change.

With this goal in mind the Family Court developed a “Proposed Family Court Statistical Model” to identify and capture detailed case processing information and data in a more comprehensive and consistent manner. The overall model is set forth in a Memorandum dated March 7, 2005, from Judge Davis. (Attachment 21). This statistical model identifies the need for improved statistics in 3 general areas: 1) Summary department statistics to assess the overall performance of the department designed to continue to meet the requirements of the Supreme Court for information; 2) More meaningful department management statistics, primarily for use by judicial leadership and Court Administration to assess and improve uniform case management, as well as individual programs and agencies; and 3) More specific individual case management “Exception Reports” designed primarily for use by assigned judicial officers to identify precise cases that may fall outside pre-determined department standards without the need for a detailed analysis of the entire division’s caseload. More precise detail on the nature and parameters of this enhanced statistical information is set forth in Attachment 21.

Because of the Court-wide demand for technology development and a scarcity of computer programmers over the last year, the necessary computer enhancements have not yet been completed on this initiative. The Family Court has been required to develop significant computer enhancements to initiate and operate other programs described in this report. The Court’s computer web team has been busy over the last year developing the online, electronic, interactive and prompted forms system (eCourt) to enhance and replace forms at the Self Service Center (Initiative 26). An automated electronic Order of Protection system has been enhanced and now operational in a bilingual format. Development of the Decree on Demand program required a web-based program and an iCIS enhancement to augment a telephone call-in process to interview Petitioners and schedule default hearings (Initiative 16). Numerous changes were required to our case management iCIS system to implement scheduling protocols, auto triggers, calendaring matrices and other

programs for the new Early Resolution Triage Program (Initiative 2), to modify statistical reporting (Initiatives 8, 9 & 10), and to reduce redundant and confusing computer codes identified by an iCIS review committee. In addition, the development of a nearly completed computer program to automate changes in division assignments (Initiative 5), and the creation of a Post Decree Tracking system to manage and track post decree matters (Initiative 21), required significant programming resources. With this accelerated demand for additional computer programming time, and recognizing that comprehensive statistical models may be more meaningful when the additional programs they will monitor are operational, the programming for our statistical model was deferred. As these other programs are completed, however, we will return our attention to statistics and will improve our statistical gathering and reporting abilities in 2006.

Initiative 14: As soon as computer resources allow, develop “Exception Reports” to replace the current “Cal-Acti” reporting system to identify delayed cases.

Traditionally, the primary case management report supplied to each judicial division and utilized by Court Administration has been a “Cal-Acti” report. This report lists every case assigned to the division broken into various categories (new case, trial set etc.). While this report can be a useful management tool to ensure each case is properly addressed, it also requires the expenditure of significant blocks of time not always available to judicial officers and Court staff to review hundreds of individual cases on a routine basis and identify those that require action.

As part of the “Proposed Family Court Statistical Model” outlined in Judge Davis’ Memorandum dated March 7, 2005 (Attachment 21), we are working to replace the “Cal-Acti” report with a more dynamic exception reporting system. Although we will retain the ability to print and review every case as needed, we will have the computer do much of the preliminary work by identifying only those cases that fall outside of established department standards on a customized “Exception Report” for each division. In this manner a Judge would be able to determine, for example, all cases that have been pending for more than 7 months that have not been set for trial or scheduled for dismissal on a date certain, or all cases that are over 12 months old for any reason etc. Other reports would be generated for other deviations from case standards as preliminarily identified in the above Memorandum, and each department or agency of the Court would be supplied customized reports with respect to only those cases for which it has responsibility.

While the accuracy of our statistic information has improved over the last year and some individual non-standard exceptions reports have been prepared for discrete projects, routine department-wide exception reports are not yet a reality. This will remain a priority goal to complete in 2006.

Initiative 15: Evaluate Greacen's recommendation to overset trials.

The Greacen Report recommended that the Family Court consider oversetting trials as a case management strategy. The Maricopa County Superior Court has considerable experience with oversetting trials on Civil and Criminal calendars. In that arena oversetting is not only desirable, but essential to effective calendar management. Scheduling 5 Civil trials or 10 Criminal trials each week on each judicial calendar is done with the expectation and the reality that most of the scheduled trials will settle. The assigned Judge will seldom be required to actually conduct more than one trial on the same day, and a case transfer system accommodates those conflicts that do occur.

The case scheduling dynamics that work so well in the Civil and Criminal Courts, however, do not transfer linearly to Family Court. The typical Civil or Criminal calendar has the major portion of most days set aside to hear trials. When trials occur they are typically conducted for 3 to 5 days or longer with a jury. If settlement occurs, the division has significant time available to hear a conflicting case from another division from the case transfer system. Family Court does not fit this mold.

Family Court hearings and trials are typically scheduled anywhere from 15 minutes to ½ day, with multiple hearings and trials set on any one day. The Judge is the trier of fact and required to make detailed findings and rulings in each case. Family Court is very paper intensive and each Judge is required to rule on and process a large volume of motions and requests on a daily basis. Some cases do settle, but a much greater percentage than either civil or criminal cases do not. If a case does settle, it is a rare circumstance when the Judge does not have pressing rulings or other matters to utilize the time. Self-represented litigants, in particular, do not usually know how to prepare the necessary settlement paperwork to vacate a trial, and the Judge is required to meet with them even if their case settles to finalize the matter and assist in preparation of the final documents.

Another difference also occurs in Family Court as a result of the implementation of the early intervention strategies described in this report. Cases involving 2 self-represented litigants that become contested are all seen initially by the Early Resolution Triage Program. After meeting with an Attorney Case Manager in an Early Resolution Conference, the case is either resolved and a decree entered or a trial date set. Because the Early Resolution Conference is a focused settlement conference, the cases coming out of that program that are not settled and must be set for trial on the Judge's calendar, are much less likely to settle. Even if some further settlement is possible on the date of trial, the parties are usually unable to prepare sufficient documentation to finalize their case, and the Court enters the appropriate agreements and orders as a signed minute entry. Similar dynamics occur with contested attorney cases managed by the judicial officer. Under our current Uniform Case Management

Plan, every case set for trial has already been managed by the Judge at a Resolution Management Conference where settlement options are explored.

The concept of oversetting trials has been addressed with the department and has no current support from any Family Court Judge. One Judge rotating to Family Court from a Criminal assignment did express support for the idea because of the positive Criminal experience before actually hearing cases. Within days, however, he abandoned the idea as unworkable because of the crush of hearings, conferences, unscheduled emergency petitions, rulings, motions and written requests consuming his time. It is our current thinking that oversetting trials would more often than not require the conflicting trials to be continued, and frustrate our goals of providing firm trial dates and reduce the time to resolution.

We have not totally abandoned the idea of oversetting trials in the future, but for purposes of this report and this initiative we have evaluated the concept and determined it currently unworkable. Outside of our current plan of improvement submitted to the Supreme Court, we are beginning to discuss a team approach to Family Court that could produce benefits in the use of ancillary services and assist in regionalization of the Court at dispersed Court centers. As part of this concept we will revisit the issue of oversetting trials. In that environment it may be possible to gain some efficiency by designating trial dates for a team, and oversetting a few additional trials. Even in that model, however, it will be critical to assure that the judicial officers have sufficient time available to make timely decisions and enter timely rulings.

Initiative 16: Immediately implement a “default on demand” procedure to allow parties to finalize uncontested cases at a default hearing scheduled at their convenience as soon as the next day.

A significant number of Family Court cases are terminated by entry of a default decree. From April 1 through July 31, 2004, the Family Court terminated 3,291 cases by default. That number represented 30.1% of the Family Court cases terminated during that period, a figure that appears to be consistent with the percentage terminated by default during other periods of time. Consequently, it appeared that simplifying the default process would assist many litigants.

Historically, all requests for default decrees were subjected to a file review procedure to assure compliance with rules and statutes before a default hearing could be scheduled. This process took 6 to 8 weeks for cases in which there were no problems in the paperwork submitted by the litigants. If there were deficiencies, the process took even longer. This delay created much litigant confusion and frustration, and made many litigants come to Court several times before their documents were corrected to the point a judicial officer could sign their decree.

On August 2, 2004 the Court changed this process to a “default on demand” program at its downtown complex. (Attachment 22). This eliminated virtually all delay in obtaining a default decree once waiting periods required by statutes and rules were met.

Under the new program, litigants simply call a dedicated phone line at the Court and request the hearing date they want, including the very next day. A brief telephone interview is conducted for staff to verify that the necessary documents have been filed and critical time periods have expired. The interview is also used to identify cases in which interpreters or hearing transcription services will be needed. (Attachment 23).

If all documents have been filed and statutory and regulatory time periods have been met, the litigant is simply told to report to the “default room” before entering the Courtroom on the day they have chosen. Staff in the default room conduct a file review, review the final paperwork, identify possible deficiencies, assist the litigant in correcting any deficiencies that can be cured with the forms available on the Court’s website, and calculate child support using the Court’s calculator before sending the litigant to the Courtroom for hearing with a Commissioner.

In addition to procedural changes, many internal and external changes were also necessary. For example, a Courtroom had to be redesigned to accommodate the increased numbers of litigants. Staff job descriptions had to be changed, and staff had to be trained to support the project. A new phone

system had to be installed to support the increased number of callers. Planning documents are attached (Attachment 24). File review and scheduling of default hearings had to be automated. (Attachment 25). The Court developed an on line program so litigants can go through the initial screening and schedule a default hearing through the Internet. (Attachment 26).

This program expanded to the Northwest Regional Court Center in Surprise on February 1, 2005, to the Southeast Regional Court Center on April 4, 2005, and to the Northeast Regional Court Center on November 3, 2005. Because of limited demand and staffing, the program is not available at these regional centers every day of the week. With that limitation, litigants still pick the date and time they want to have their hearing.

Currently, litigants can participate in the program telephonically or online as follows:

To schedule a default hearing at any Court location litigants log onto the Court's website or call the Decree on Demand phone number. The litigant schedules a hearing at the time of his or her choosing during the times listed below. If a litigant wants a hearing the next day, s/he must call before noon to allow for file review before the hearing. The website and telephone number are:

Website: www.eCourt.maricopa.gov/dod
Phone: (602) 372-3332

Downtown: Hearings are scheduled Monday through Friday each week with some lesser used language and publication cases scheduled on Wednesdays and Spanish Interpreter cases scheduled on Fridays. Check In: Default Room located at CCB3.

Southeast: Hearings are scheduled Monday, Thursday and Friday each week with lesser used language and publication cases heard one or two Thursday's each month and Spanish Interpreter cases scheduled one Friday each month. Check In: Suite 1300.

Northwest: Hearings are scheduled Tuesday and Thursday afternoons with all interpreter matters and publication matters heard one Friday each month. Check In: Information Center.

Northeast: Hearings are scheduled Monday and Thursdays each week with all interpreter matters heard one Thursday per month and publication cases heard one or two Monday's each month. Check In: Family Court Administration.

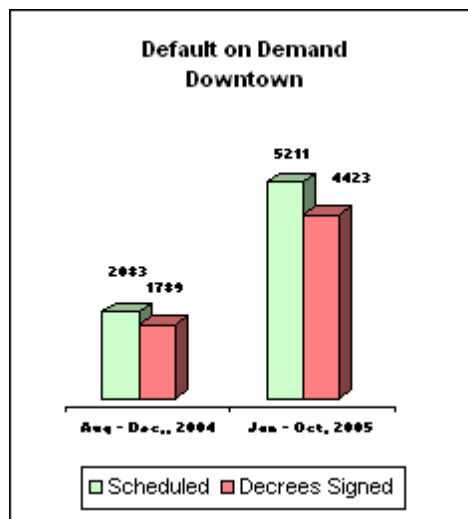
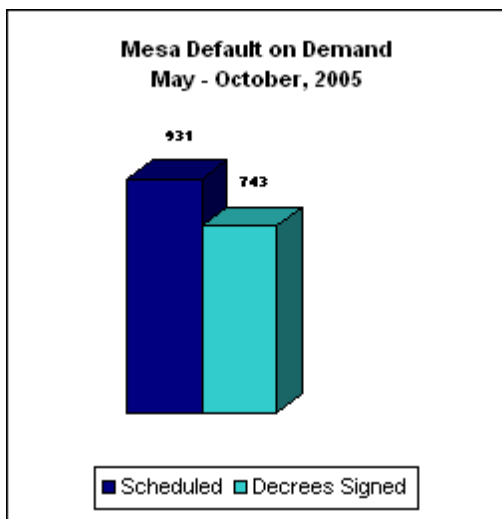
This initiative is 100 percent complete. It is fully operational in all Court locations.

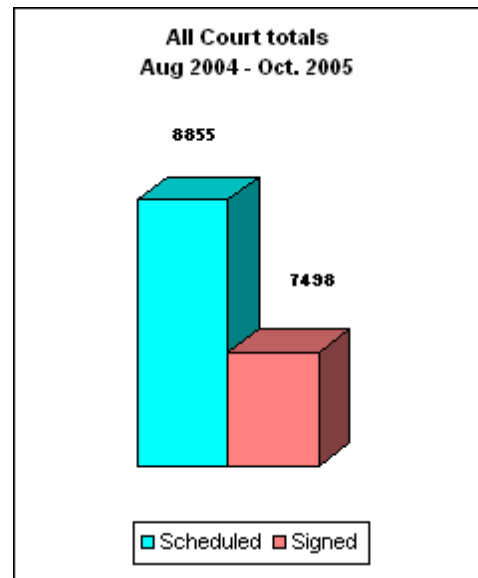
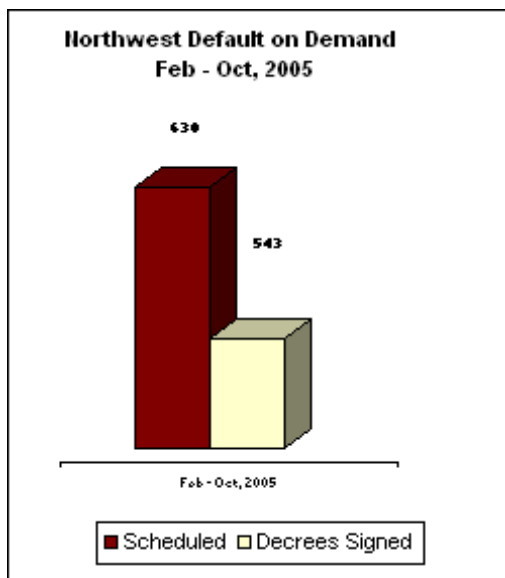
Default on Demand is a dramatic and innovative change that has reduced unnecessary bureaucratic delay at a very stressful time in the lives of 27% of all of pre decree litigants from an average of ninety days to one day. It gives people who cannot afford attorneys help in properly filling out the forms that are needed for them to move forward with their lives. It prevents the frustration that resulted from nearly half of all applicants having documents sent back to them through the mail with a demand that they make changes they did not understand and provides a mechanism to clarify the steps they needed to take to get the decree they need. It is an outstanding example of the government responding to the needs of its citizens.

The program has also helped to reduce the overall time it takes the Court to conclude cases. Between August 2004 and October 2005, 8855 default hearings were set and 7498 decrees were signed. A review of 2000 default cases showed that most litigants filed a request for judgment in less than 45 days after the date of service. Once the statutory timeframes passed, half of all litigants who called the Court requested a hearing between one and seven days from the date of their phone call.

The response from the public and the Bar has been very positive, and the morale of Court staff involved in the program has increased considerably. Many self-represented litigants return to thank the staff for their assistance in concluding their case.

Default on Demand received a 2005 NACo (National Association of Counties) Award in August, 2005 for outstanding achievement (Attachment 27).





Initiative 17: Determine whether the default process is sufficiently understood and simplified for all litigants.

Family Court Administration randomly analyzed 2,473 default files to determine if the process prior to scheduling and conducting the default hearing was easily understood and navigated for all litigants, particularly pro per litigants. Cases in which litigants were represented by attorneys were compared with cases in which litigants represented themselves. The following indices were examined: 1) average time from filing to service of petition; 2) average time from service of petition to filing of an affidavit of default; and 3) average time from filing affidavit of default to request for default hearing and the actual default hearing. The results of this study are summarized below.

These indices indicate no significant disparity between cases in which litigants were represented by attorneys and cases in which litigants represented themselves. Consequently, it appears that self-represented litigants understand the default process and are able to use it expeditiously.

Days from Request for Hearing to Hearing All Locations						
	<i>Pro Per</i>		<i>Attorney</i>		<i>Total</i>	
	#	%	#	%	#	%
1-2 days	618	28.19%	16	5.69%	634	25.64%
3-7 days	753	34.35%	61	21.71%	814	32.92%
8-14 days	376	17.15%	67	23.84%	443	17.91%
14+ days	445	20.30%	137	48.75%	582	23.53%
Total	2192	100.00%	281	100.00%	2473	100.00%

Days from Service to Filing Application for Default All Locations						
	<i>Pro Per</i>		<i>Attorney</i>		<i>Total</i>	
	#	%	#	%	#	%
<45 days	1184	54.01%	176	62.63%	1360	54.99%
45-60 days	242	11.04%	29	10.32%	271	10.96%
61-90 days	414	18.89%	34	12.10%	448	18.12%
>90 days	352	16.06%	42	14.95%	394	15.93%
Total	2192	100.00%	281	100.00%	2473	100.00%

Days from Service to Hearing All Locations						
	<i>Pro Per</i>		<i>Attorney</i>		<i>Total</i>	
	#	%	#	%	#	%
<70 days	690	31.48%	91	32.38%	781	31.58%
71-90 days	564	25.73%	66	23.49%	630	25.48%
91-120 days	371	16.93%	49	17.44%	420	16.98%
>120 days	567	25.87%	75	26.69%	642	25.96%
Total	2192	100.00%	281	100.00%	2473	100.00%

Days from Filing Application for Default to Request for Hearing All Locations						
	<i>Pro Per</i>		<i>Attorney</i>		<i>Total</i>	
	#	%	#	%	#	%
<20 days	702	32.03%	106	37.72%	808	32.67%
21-30 days	406	18.52%	71	25.27%	477	19.29%
31-60 days	785	35.81%	53	18.86%	838	33.89%
>61 days	299	13.64%	51	18.15%	350	14.15%
Total	2192	100.00%	281	100.00%	2473	100.00%

This initiative is 100% complete. It appears the default process has been successfully simplified so that litigants representing themselves are able to navigate the system and obtain a default judgment as quickly as litigants represented by attorneys. It is expected that the Court process will be further simplified as eCOURT continues to develop and expand.

In the event a litigant fails to move their case forward, the Court also automatically sends the litigant a notice that explains the next step. (Attachment 28).

Initiative 18: Implement a process to enter Consent Decrees at the convenience of the public with a process similar to “Default on Demand.”

Consent Decrees and Stipulated Judgments (collectively referred to hereafter as “Consent Decrees”) were targeted because nearly 20% of uncontested pre decree Family Court matters are finalized through this device. In order to effectively manage the Court’s large caseloads, it is essential that cases that can be settled are identified and settled as soon as possible after they are filed. In addition, litigants need and deserve finality as soon as possible so that they can move forward with their lives. If litigants reach agreement, the Court should do its utmost to finalize their agreement expeditiously.

Until recently all Consent Decrees submitted to the Court for approval and signature went through a process of staff review to assure compliance with statutes and rules before signing by a judicial officer. The process often took 6 to 8 weeks. If deficiencies were identified, the process often took longer. This time consuming process created confusion and frustration. Because litigants and attorneys often needed to have decrees signed before the end of the calendar year for tax and other reasons, and because the Court’s process was so time consuming, each year the Court designated a deadline by which litigants were required to submit Consent Decrees if they wanted to ensure signing by December 31.

One of the effects of implementing the Default on Demand program downtown in August was that it placed great pressure on the Family Court staff to ensure that the Consent Decree program did not take a significantly longer period of time than our default divorce did or we knew we would have great public outcry. As a result the entire team kept sharp on Consent Decrees and through our busiest time at the end of the year, we maintained a one-week guarantee turnaround time for finalizing Consent Decrees that were submitted at any of our Courthouse locations.

In December 2004, the Court convened a workgroup comprised of Judges, Commissioners, Administration and staff to study the current procedures by which the Court processes consent decrees. The workgroup’s objective was to identify best practices and problematic issues.

The workgroup identified many positive aspects of the existing method of processing consent decrees. It wanted to ensure that litigants would continue to have the option of mailing their Consent Decrees to the Court for approval and signature. It believed that the time the Court took to review and sign Consent Decrees could be reduced.

Some Consent Decrees result from the Early Resolution Conference held by the Court’s Attorney Case Managers. The Attorney Case Manager conducting the conference assists the parties to prepare the Consent Decree and directs the parties to a Commissioner to review and sign the Decree

on the day the Early Resolution Conference is held. The result is that the litigants attending these conferences negotiate an agreement and obtain a signed decree in just one day. Prior to the implementation of the ERC program, negotiated Consent Decrees that resulted from the DCM program were not submitted to the Commissioner for signature. The workgroup wanted to ensure that litigants who reached a Consent Decree could have it approved and signed by the Commissioner immediately.

Consent Decrees are also sent to the Court by mail or delivery service by litigants and attorneys. Once they reach the Court, these matters are internally routed to Commissioners for approval and signature. In order to decrease the delay in signing these matters, the Court assigned and trained additional staff members and judicial officers to review and sign the documents in each of the Court's locations. In addition, the Court added an option to allow litigants to schedule a hearing at a convenient time to come to the Court to have their Consent Decree signed for litigants for whom immediate processing is a priority.

The workgroup finalized its recommendations and procedures in February, 2005. (Attachment 29). All recommendations and procedures became effective March 1, 2005.

The Default on Demand program changed to include the signing of all Consent Decrees submitted at the Downtown and Northwest Court Centers effective March 1, 2005, at the Southeast Facility on April 4, 2005, and at the Northeast Center effective November 3, 2005. Consent Decrees can now be submitted for regular processing by mail or for expedited processing on demand. Decrees and Judgments submitted by mail are reviewed and returned within one week.

Expedited processing requires the litigant to call the Court to schedule a hearing in the same manner as a default hearing. The hearing is held on the date requested by the litigant and can be set as early as the day following the litigant's call to the Court. At the hearing a Commissioner reviews and signs the decree. An online computer option was added to the program on June 27, 2005 that allows litigants to schedule a hearing entirely online.

The combined Default on Demand and Consent Decree processing programs are now referred to as "Decree on Demand." The telephone number and website for an on demand hearing are the same as those listed above for a default hearing. The mailing addresses to submit a Consent Decree or Stipulated Judgment by mail are:

Downtown: Maricopa County Superior Court
Family Court Administration
201 W. Jefferson, 6th Floor
Phoenix, Arizona 85003

Northeast: Maricopa County Superior Court
Northeast Regional Court Center
18380 North 40th Street
Phoenix, Arizona 85032

Northwest: Maricopa County Superior Court
Northwest Regional Court Center
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Southeast: Maricopa County Superior Court
Southeast Regional Court Center
Family Court Administration, 1st Floor, Suite 1300
222 East Javelina
Mesa, Arizona 85210

Paperwork can also be submitted in person at these locations between 8 a.m. and 5 p.m.

Initiative 19: Establish a procedure to identify, separate and assist cases that are now dismissed due to ignorance or frustration (“failed cases”) from those cases that are now dismissed due to reconciliation or other appropriate reason.

A significant number of cases in Family Court are administratively dismissed due to a failure to serve and/or a failure to prosecute the case. For the 12-month period from January 1, 2005 through December 31, 2005, our statistics show that the following numbers and categories of cases were dismissed without being finalized:

Reason For Dismissal	Number	Percentage
Administratively Dismissed For Lack of Prosecution	4610	12.9
Dismissed For Lack of Service	2235	6.3
Case Management Terminations	1352	3.8
Dismissed By Judges For Lack of Prosecution	1086	3.0
Totals	9283	26.0

We know that many cases in Family Court are voluntarily abandoned by the parties due to reconciliation or other desire not to proceed. Such cases are, of course, properly dismissed and should be removed from the system without delay. This furthers the goal articulated by then Chief Justice Jones to preserve family relationships as a clear priority. Presumably other cases may be dismissed because a party is frustrated or confused with a legal system foreign to them. Distinguishing one group from the other is our challenge without unduly meddling in a case and improperly suggesting an outcome, advocating for either party, or giving legal advice.

Perhaps the most direct way to distinguish litigants that have reconciled from those that don't know how to proceed is to simply ask them. This process is easy to articulate but much more difficult to implement. The Family Court had initially indicated in its Final Plan of Enhancement (Attachment 3) that it would pursue this initiative with a telephone survey. As we also more fully discussed in our Final Plan, direct telephone contact with a petitioner whose case is dismissed can create unintended consequences to the parties or possibly place a petitioner in peril. Personally attempting contact with petitioners whose cases were dismissed for lack of service may place the petitioner at risk if he or she is a victim of domestic violence and the abuser first learns of the filing from this contact. Other contacts from the Court could appear to be encouraging action to be taken, precipitate further stress on a fragile relationship, cause more conflict or anger, or facilitate some other unintended result.

Because of these and other concerns, and because there may be a better way to address these questions, we deferred consideration of a telephone

survey until we had undertaken some empirical analysis of specific dismissed cases. We have now reevaluated the advisability of conducting a telephone survey and determined both that it likely would not produce any more substantive results than review of the Court files, and that the risks outweigh the benefits of such a survey. Telephone solicitation is intrusive and viewed negatively by the public. In addition to the inherent risks involved as identified more fully in our Final Plan, it also appears unseemly for the Court to use such a method to randomly question a stranger about one of the most personal aspects of his or her life—their marriage relationship. Such a process may also have the appearance of encouraging the petitioner to proceed with dissolution of the marriage.

We have also addressed this initiative by greatly reducing the possibility of frustration or delay by providing clear and concise information and assistance to every self-represented litigant at meaningful intervals in the system by: 1) Providing clear and concise forms that are readily available and easy to complete to commence any Family Court action; 2) Implementing a user-friendly default and Consent Decree system to finalize uncontested cases; 3) Taking control and managing all contested self-represented cases that become contested without further action from the parties; 4) Providing clear instructions to parties whose case was scheduled for dismissal as to how to move it forward; and 5) Providing a Family Court Navigator and training other Court personnel to provide information and answer procedural questions at any time.

In addition to markedly improving the simplicity of the entire Family Court process and making it much more user friendly, we have completed an initial review of 938 dismissed cases to determine if reconciled cases could be isolated from “failed” cases. While this is an inexact science and there is always more that can be done to make the system less confusing and better understood by all litigants, we have concluded that our current system has no significant problem of dismissing cases of litigants who desire to finalize their case but cannot because of confusion or complexity. There are undoubtedly isolated anecdotal incidents where such may be the case, and we will continue to improve the nature and quality of information we provide to self-represented litigants in the future, but the current system does not create unreasonable bars to entry or navigation from our analysis. Cases are also only dismissed with advance notice as required by the rules. Cases to be dismissed for lack of service and/or lack of prosecution are sent notices of the impending dismissal with detailed instructions on actions to initiate to proceed with the case.

Under our current Uniform Case Management Plan, once a petitioner serves the respondent and files an affidavit of default, the process is greatly simplified when the litigant simply calls the phone number or logs onto the website for the Decree on Demand program. Detailed instructions, personal information and assistance are provided by trained Court staff to guide the petitioner to the Court and assist in the review and correction of any deficiencies.

Therefore, in conducting our review we were particularly interested in learning whether self-represented litigants were able to navigate through the system to effect service of process and schedule a default hearing. Similarly, once a Response is filed in any case with two self-represented litigants, the case is automatically scheduled for an Early Resolution Conference with an Attorney Case Manager. Under our current Uniform Case Management Plan once the Court schedules its first conference or hearing, all follow-up hearings are scheduled by the Court without any further action of the parties.

We randomly selected for review 938 cases that were dismissed by the Court in the month of February 2005 for inactivity. Of this number, 590 were dismissed for lack of prosecution, and 348 were dismissed for lack of service. The 590 cases dismissed for lack of prosecution were filed with varying degrees of assistance: 37 were filed by the Arizona Attorney General's office under the Title IV-D program, 102 by private attorneys, 133 were prepared and/or filed by document preparers, 276 were submitted by self-represented parties using the Court's Self Service Center forms, and the remaining 42 were unrepresented litigants who obtained forms from unknown locations. We excluded the cases filed by attorneys from analysis because attorneys seldom allow a case to be dismissed in error, and they possess the requisite skill and knowledge to navigate the system regardless of its complexity.

To a lesser degree we made a similar assumption with the 133 cases filed by litigants with the assistance of certified document preparers. While document preparers aren't as familiar with Court rules and procedures as are attorneys, in the narrow scope of the services they provide they are generally successful in filing a case, effecting service of process and scheduling a default hearing. Of the 133 dismissed cases reviewed that were filed with the assistance of a certified document preparer, 116 were served, and 17 had responses filed prior to dismissal. The Court dismissed some of these cases after identifying deficiencies in paperwork or service requirements. The Court has identified this as an area that needs continued monitoring once our statistical model is fully developed.

Of the remaining reviewed cases that were dismissed for lack of prosecution, 318 were filed by self-represented litigants using the Court's Self Service Center forms or forms from other unidentifiable sources. Of 318 petitions filed by self-represented litigants, the self-represented petitioner was able to effect service of process in 269 cases. The remaining 49 petitions were not served, but 14 of these had responses filed prior to service to place the case at issue without service. Additionally, with respect to these 49 cases not served there is direct evidence in the files that 26 litigants notified the Court that they had reconciled. Also of the 49 cases not served 39 were dismissed by the parties themselves, 7 by Court administration and 3 by the assigned judicial officer. Significantly, in all of the 318 self-represented dismissed files we found

no indication that the parties had filed documents or made contact with the Court. We conclude from this that it is unlikely that dismissals by self-represented litigants are the result of frustration or misunderstanding of Court processes.

With respect to the 348 cases dismissed for lack of service in our case review, 344 of the cases dismissed were filed by the State under the Title IV-D program, and only 3 were filed by self-represented litigants. We strongly suspect that this particular statistic is not a representative sample of cases not served, and suspect that this number is due more to isolated administrative action in the month in question than it is representative of dismissal of cases not served. It does, however, identify another problem in Title IV-D case processing that we will address as part of our comprehensive review of IV-D case processing with our Court. We are currently expanding our search of statistic information in this area to obtain more meaningful results with respect to cases dismissed for lack of service.

While our survey of a random but substantial number of dismissed cases is not absolutely determinative, there is strong evidence that most self-represented litigants are able to navigate our Court process at least to the point that our case management procedures take control of the case. Although we need to remain vigilant in this area, our initial review indicates that attorneys and self-represented litigants allow their cases to be dismissed, or actively move to dismiss them primarily due to reconciliations or for reasons other than frustration or complexity of the Court system. As we improve the legal information provided to litigants under joint initiatives with the Supreme Court, we will continue to assess and monitor our systems to determine what may remain too complex or frustrating for self-represented litigants.

Initiative 20: Create a Post Decree Court to hear all child support modifications as soon as possible.

Prior to this initiative, Family Court had a number of different procedures by which child support could be modified. Expedited Services handled the bulk of these requests so that the Judicial Divisions did not hear them. However, the process involved long modification conferences, lengthy written reports and recommendations being submitted to review by a Judicial officer, an objection process, and, if necessary, further evidentiary hearing. The resultant delays seemed inefficient, unnecessary, and frustrating. It appeared that in many cases the process increased the tension and disagreements between the parties failing to provide prompt resolution of the parties' disagreements. The Grecean Report recommended streamlining the Expedited Services process.

It recommended that:

- The Court resolve child support issues promptly,
- The Court reduce the number of times the parties had to physically appear in Court,
- The Court ensure that judicial decisions were made by judicial officers, and
- The Court use its ancillary services more effectively and efficiently.

The Family Court decided that all post decree modification requests should be assigned to a Post Decree Child Support Court. A brief initial conference would be scheduled with an Expedited Services Conference Officer followed by an immediate hearing, if necessary, before a Commissioner. If agreement is reached, a Stipulation and Order could be prepared and the matter concluded by the Commissioner, who could immediately review and sign the Order. If any amount necessary to calculate support is disputed, the Conference Officer could simply save the child support worksheet on a shared computer drive, highlight the number(s) on a worksheet and send the parties to a Commissioner for hearing on the disputed issues without having to prepare a lengthy written report.

Accordingly, the Family Court conducted a pilot project in the Northwest Courthouse from January 12 to June 8, 2005. The results were:

Hearings scheduled: 73

Hearings held: 4

Conferences scheduled: 73

Conferences held:	54
Outcome:	27 Full Agreements 13 No Agreements 14 Unknown

The Southeast Court conducted a pilot project from June 8 to October 31, 2005. (Attachment 31). The Post Decree Child Support Court was fully implemented on November 1, 2005. The results for that project between July and October were:

Hearings scheduled:	49
Hearings held:	8
Conferences scheduled:	49
Conferences held:	28
Outcome:	23 Stipulations
Total resets:	5 vacates, 13 resets

Based on the success of the pilot projects and the recommendations of the committee, the Family Court decided to implement the project throughout the Department. An additional Commissioner position was required to hear these matters, so the Court submitted a proposal to the County Board of Supervisors to fund a Post Decree Commissioner position for the present fiscal year. (Attachment 32). This funding was approved effective July 1, 2005.

A committee evaluated and reviewed the current processes. The full committee met on May 19, 2005, July 21, 2005 and August 18, 2005. (Attachment 30).

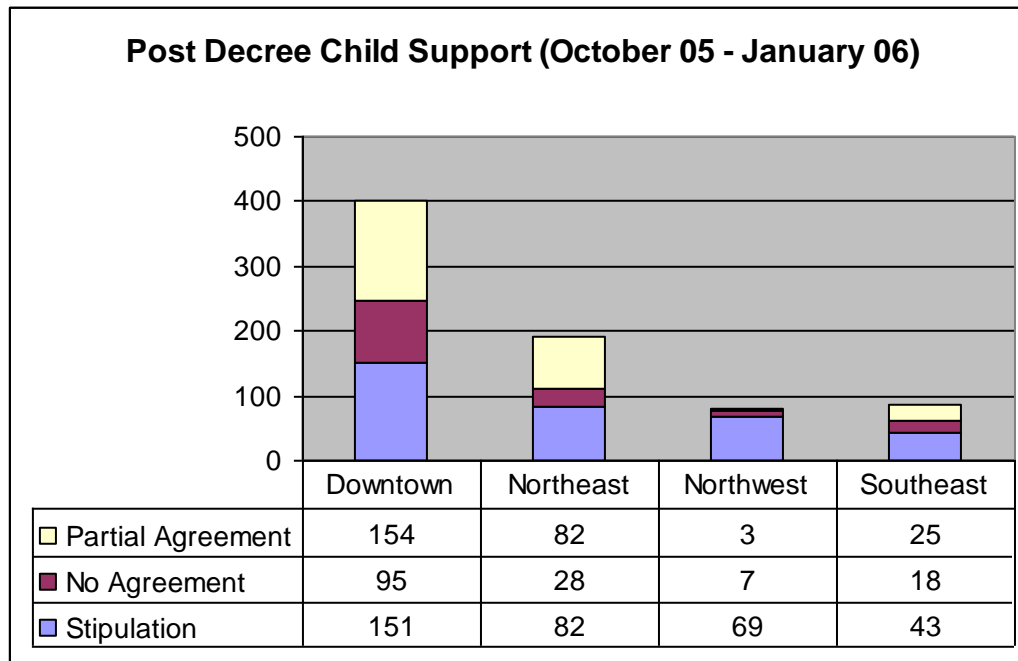
Pursuant to the committee's recommendations, Family Court completely restructured its judicial calendars, administrative processes, Self Service Center instructions and filing packets, conference officer calendars, and automation. All post decree modification requests that also involved child custody and parenting time were referred to the assigned judicial division for decision. This is designed to avoid litigants being referred to a separate conference with Expedited Services for child support calculation once a child custody or parenting time order is entered. Consistent procedures were

developed for each of the four Family Court locations in Downtown Phoenix, Surprise, Mesa, and North Phoenix.

Because it involved major changes for family law attorneys, the Family Court Department held many meetings with the Bar to discuss the impact of the new program, sought feedback, posted an announcement on the Family Court menu located on the Court's website, and emailed notices of the changes to the Family Bar. (Attachment 33).

Final establishment of the Post Decree Child Support Court was effective on September 1, 2005 for Downtown Phoenix, on October 1, 2005 for North Phoenix, and on November 1, 2005 for Mesa and Surprise. (Attachment 34).

This initiative is 100% complete. The Post Decree Child Support Court has dramatically changed the process of post decree child support case processing.



Initiative 21: As soon as possible implement accurate post decree statistics and reporting through the iCIS system.

The Family Court has had a difficult time preparing reliable post decree statistics. Family Court Administration developed business plans and submitted those to the Court's computer team in January 2005 to address this difficulty. (Attachment 35). Thereafter, a pilot project for post decree case tracking began on April 18, 2005. The trial project was conducted by four judicial divisions and Family Court Administration (Attachment 36).

The trial identified some specific issues that need to be resolved. Those issues have been reported to the Court's computer team and we expect that the program enhancements will be fully implemented by March 2006.

Once implemented, the Clerk of the Court will be able to determine electronically what post-decree filings have occurred. This will allow Court Administration and all Family Court judicial assistants to track each post decree action and determine accurate statistics for all post decree cases. The enhancement will highlight all non-adjudicated post decree petitions and allow for better case tracking and reporting of case aging.

At the time of the final enhancement in March 2006, the Family Court Presiding Judge will issue an Administrative Order to dismiss all current non-adjudicated post decree matters filed more than a year before in which no hearing or further action is scheduled. This will clear out thousands of old post decree petitions that have never been formally concluded. Thereafter, the remaining post decree pending petitions will be evaluated for appropriate action. Some litigants will be sent dismissal notices at 120 days with a firm dismissal date after 60 days unless action is taken and some matters will be referred to the assigned judicial officer for more particularized action.

The programming enhancement will ultimately allow for accurate reports of post decree cases and Exception Reports for matters that need attention. Regular post decree reports will be developed and electronically distributed to the judicial officers for appropriate action.

For the first time in the history of the Family Court, both pre and post decree petitions will be tracked and case inventory reports will be regularly provided to each judicial officer. This will ultimately allow for all cases to be managed and decided in a timely and efficient manner.

Initiative 22: As soon as the iCIS system allows, reallocate and assign all post decree cases equitably among divisions.

The Family Court has grown over the years. The presumptive system for assigning post decree matters is that a pre decree case assigned to a particular division will remain with that division when post decree matters are filed. The Court's statistician generated the below report in October, 2005. The report indicated that this system of assigning post decree filings to divisions has resulted in roughly the same number of filings being distributed to each division, except as to newly created divisions. Predictably, these divisions are assigned fewer post decree matters than other divisions.

		PRE DECREE			POST DECREE		
<u>CAL</u>	<u>JUDGE</u>	<u>TOTAL</u>	<u>PRE DECREE AVERAGES</u>		<u>TOTAL</u>	<u>POST DECREE AVERAGES</u>	
DRJ02	GARCIA	473	444	DOWNTOWN	157	183	DOWNTOWN
DRJ03	MROZ	435	463	SOUTHEAST	180	159	SOUTHEAST
DRJ04	WILLETT	460	520	NORTHEAST	212	173	NORTHEAST
DRJ06	DUNCAN	436	459	NORTHWEST	176	101	NORTHWEST
DRJ07	SHELDON	425			183		
DRJ08	COHEN (SE)	530			200		
DRJ09	WILKINSON	284			209		
DRJ10	LEE	454			204		
DRJ11	BALLINGER (NE)	446			149		
DRJ12	DITSWORTH (SE)	508			166		
DRJ13	CONTES (SE)	456			150		
DRJ14	REA (NE)	491			172		
DRJ15	GRANT	498			203		
DRJ16	HOTHAM	419			131		
DRJ17	MILES (NE)	532			152		
DRJ18	BUDOFF	428			163		
DRJ19	GENTRY-LEWIS (SE)	541			170		
DRJ20	HARRISON (NE)	476			156		
DRJ21	MARTIN (NE)	524			194		
DRJ22	ANDERSON (SE)	520			109		
DRJ23	BUTTRICK	457			153		
DRJ24	ARELLANO (SE)	105			1		
DRJ25	P. REINSTEIN	0					
DRJ26	CAMPBELL	0					
NWJ02	CHAVEZ (NW)	435			107		
NWJ03	HEILMAN (NW)	483			93		
NWJ04	MCNALLY (NW)				52		
	OTHER CALENDARS (DRJ01)	8			49		
IV-D	IV-D CASES	3,935					
TOTALS		14,759			3,891		

Until the iCIS enhancement is complete, it will be difficult to equalize the number of matters assigned to each division. Once the enhancement is completed, however, the Court will assign all newly filed post decree matters to the division to which the matter was previously assigned if the Judge now assigned to that division has conducted a hearing concerning the case. If not, new post decree petitions will be randomly assigned to promote parity among divisions. Each division should have a similar workload wherever possible, although assignment of cases to regional centers may prevent total equality.

In the future, when a new division is created, post decree matters will be reassigned to equalize the number of post decree cases assigned to each division within a region. All cases with current activity or pending hearings will remain with the judicial officer to which they are then assigned. It appears that cases terminated at least two years ago will be most affected. Cases will be reassigned according to the pre decree algorithm. (Attachment 37).

Family Court currently has three new divisions and post decree matters will be reassigned by region in January 2006. This will equalize post decree matters among all divisions. It may also reduce the overall number of post decree cases assigned to most divisions, which will, in turn, assist the litigants in obtaining prompter hearings.

Initiative 23: Request extension of Civil Rule 53(k), and Maricopa Local Rules 6.9(c) and 6.14, at least until the proposed statewide Family Court rules are adopted to allow an orderly transition of services.

Since 1988 the Expedited Plan required by A.R.S. §§25-326 and 25-412 and authorized under Rule 53(k), *Arizona Rules of Civil Procedure* and Rules 6.9(c) and 6.14, *Local Rules of Practice for the Superior Court, Maricopa County*, was operated by the Clerk of the Court. Following a series of discussions between the Clerk and the Court, operation of Expedited Services was transferred from the Clerk to the Superior Court effective July 1, 2004. With that transfer, the authorization for Court Clerks to be appointed as conference officers to act in a quasi-judicial role was no longer needed.

Following July 1, 2004, the Court significantly restructured the processes in Expedited Services, including the Post Decree Child Support Court procedures described in Initiative 20. Rather than just continue the existing processes in Expedited Services, the Court has made a concerted effort to evaluate each such process, and to modify it or replace it as necessary. For example, a routine procedure in Expedited Services had been to conduct detailed conferences with litigants and to issue an extensive report recommending Court action based on the information provided by litigants at the conference. The Court would then approve, reject or modify the recommendation and the parties would have 25 days to object to the action by requesting a hearing. These procedures routinely required 3 to 6 months to complete. This process for child support modification has now been substantially replaced with a brief conference to encourage agreement and prepare stipulations, followed immediately by a Court hearing to resolve any remaining issues on the same day. Typically, this can now be accomplished within 30 to 45 days.

During this restructuring period the Supreme Court has graciously continued the authority for Expedited Services to operate under the rules set forth in Rule 53(k), *Arizona Rules of Civil Procedure* and Rules 6.9(c) and 6.14, *Local Rules of Practice for the Superior Court, Maricopa County*, to allow time for the new procedures to be implemented and for the new *Arizona Rules of Family Law Procedure* to take effect and provide the necessary continuity of authority to operate. Most recently the Supreme Court extended these rules in effect until January 31, 2006 pursuant to Arizona Supreme Court Orders Nos. R-02-0026 and R-02-0012. At a recent meeting between administrative representatives of the Supreme Court and the Superior Court, it was determined that the Court's adoption of Rule 73, *Arizona Rules of Family Law Procedure* as its Expedited Plan would be sufficient to continue expedited funding until a more formal plan can be formally adopted by the Court. A copy of a letter dated January 20, 2006 detailing these developments is attached. (Attachment 38).

While additional changes are contemplated to reform the expedited process, this initiative is complete with the extension and elimination of the subject rules.

Initiative 24: Continue to urge the creation of a web-based, real time arrearage calculator for child support payments by DCSE.

For a number of years now the State Department of Child Support Enforcement (DCSE) has maintained computerized records of child support payments ordered by Superior Courts throughout the State of Arizona. Subsequent child support enforcement actions filed with the Courts are invariably and unnecessarily delayed until the parties or Expedited Services can manually conduct the research and mathematical calculations necessary to determine any arrearage. Current technology is available to develop a real time, web-based arrearage calculator that would save enormous time, cost and confusion for the parties, the Courts and DCSE itself.

Early in 2004 Judge Davis urged the Automation Funding Workgroup of the Child Support Committee to spearhead the creation of a web-based real time arrearage calculator to be housed at the Department of Child Support Enforcement. The concept is that all users of the child support system could obtain a current status of any child support account paid through the DCSE Clearinghouse much in the same manner that a credit card or bank account can be accessed online. Since that time we have continued to collaborate with DCSE, the Administrative Office of the Courts, the Automation Funding Workgroup, the Legislative and the Child Support Committee to make this project a reality.

During last year's legislative session, legislation was urged and considered by the Arizona legislature to fund the creation of the project and overcome its primary obstacle. Unfortunately, the bill, as an appropriations measure, was defeated.

Through the cooperative efforts of AOC, the Child Support Committee, DCSE, the Maricopa County Family Court and various individuals, a federal grant was sought and obtained from the Administration for Children and Families. (Attachment 39). Since the grant was announced on July 21, 2005, progress has occurred on the web-based calculator. Much of the necessary concept design work has been completed by a design group of legal and computer experts staffed by Megan Hunter at AOC. DCSE is now charged with completing the software programming phase of this project. The project has a projected completion date of July 31, 2006.

Actual completion of this project depends upon the willingness and commitment of DCSE, as the repository of all child support data, to complete the project. We have, however, consistently and persistently pursued the creation and completion of this project and will continue to these efforts. This tool is essential to finishing reforming Expedited Services and allow for a much improved child support collection and enforcement system than currently exists.

Initiative 25: Assess the need to enhance, modify or discontinue the Integrated Family Court and statistically separate these cases for assessment.

By Administrative Order No. 2001-020 (Attachment 40), the Maricopa County Superior Court formally initiated the Integrated Family Court ("IFC") as a pilot project to commence March 19, 2001, and continue for twelve months thereafter. In March 2002 the pilot project was extended through June 28, 2002 pursuant to Administrative Order No. 2002-019. (Attachment 40). On February 25, 2003, the Arizona Supreme Court issued Administrative Order No. 2003-23 and established a broader Integrated Family Court in the Superior Court in Coconino, Maricopa and Pinal Counties. The Supreme Court directed that IFC be established as a pilot project in these three counties for a period not to exceed two years from the date the local Court plan was approved. In furtherance thereof, a detailed Integrated Family Court Project Plan dated December 11, 2003, was submitted to the Arizona Supreme Court. Additional policies and procedures were subsequently adopted by Maricopa County Administrative Order No. 2004-086 to supplement the existing and ongoing pilot in Maricopa County Superior Court. (Attachment 40).

In 2002, the IFC Pilot Project was extensively evaluated by Greacen Associates, LLC, an independent consulting firm. The findings and recommendations of the *Greacen Report* are detailed and extensive, and a fair assessment of them can best be had by a review of the entire report. In large measure, however, it is fair to say that the results of the study were inconclusive due to the minimal numbers of cases within the IFC Pilot Project. The study was able to evaluate only the 62 cases in the project at that time, such that the study rendered "statistically unreliable results." Significantly, the consultant was unable to draw any conclusions as to whether the IFC Pilot Project resulted in a reduction in time to disposition, a reduction in subsequent filings or procedures, or earlier and effective intervention in families in need of services. The consultant also found that the project had not yet achieved its stated objective of a "one team, one family" approach.

In March 2005, the IFC Pilot Project was reevaluated and extensively modified. Our review concluded that: 1) the intended goal of "one-Judge/one family" had not been achieved; 2) that the project did not enjoy broad-based support from the professionals involved in the program; 3) that it worked contrary to achieving delay-reduction in the system; 4) the inclusion of delinquency cases in the project was normally ill-advised; 5) that resolution of issues outside of those normally dealt with respectively in the Family Court and the Juvenile Court was complicated and delayed when addressed by the other Court; 6) calendar management and scheduling was more complex and confusing; and 7) the Family Court proceedings were unnecessarily delayed. A Memorandum dated March 30, 2005 detailing the results of the review conducted by the Family Court and the Juvenile Court is attached. (Attachment 41).

Based upon this review, the IFC Pilot Project was modified by Administrative Order No. 2005 -104 effective July 1, 2005 to reduce the delay in the Family Court proceedings, and focus the expertise of the Juvenile Court, with its wide array of services, on the custody issue. Since that time issues arising from multiple cases filed in Family, Juvenile and/or Probate Juvenile Court are to be normally resolved with the department within its primary focus of expertise. When a dependency case is pending concurrently with a Family Court custody issue, the Juvenile Court proceeds to conclude the dependency in the normal fashion as required by statute. In the event the dependency petition is ultimately dismissed, the Juvenile Judge then is charged with entering a final custody and parenting time order, as appropriate. This custody order will then survive the dismissal of the Juvenile Court dependency action and be subject to future modification or enforcement in the Family Court. In this manner all other Family Court issues can concurrently proceed without further delay or need to determine the custody issue. The current IFC Plan is more fully described in Administrative Order No. 2005 - 104 (Attachment 42).

Initiative 26: As soon as possible implement an online electronic, interactive and prompted forms system to initially supplement, and over the next year, significantly replace Family Court forms at the Self Service Center.

Judge Davis was appointed to Chair the Self Service Center Advisory Committee after he presented the concept of developing a prompted interactive forms system to the Court's Judicial Executive Committee in early 2003. The initial committee was comprised of 4 judicial officers (Judge Davis, Judge McNally, Judge Mahoney, Judge (then Commissioner) Foster, Bob James from the Self Service Center, and 3 members of the Judicial Information Systems (now Computer Technology Services) staff (Andy Cicchillo, Chris Holly, and Rick Napoli). The technical expertise of CTS has been invaluable to further this project. Various other members have been added or cycled thru the committee since its inception.

The first organizational meeting of the committee was held on March 14, 2003, and a detailed plan was developed to undertake the enormous task of converting Court forms to an interactive, prompted, web-based application. The project started slowly due to the allocation of computer resources to other projects. During most of 2003 the legal design team developed a format and solved problems necessary to convert to the computer format. In early 2004, the Court was able to make this project a priority and development has occurred steadily since that time. The committee developed the logo of "eCourt" for the project when it went online in October 2004 with the initial forms. The web address for eCourt is: eCourt.maricopa.gov

The challenge to develop a comprehensive forms system is significant, and has proceeded more slowly than originally projected. The project has been available for use by the public since October 2004, and is becoming more usable and complete. Currently, the eCourt design team has just completed a prompted online child support calculator that is now available on our website. The design team is now focusing on producing a few minor forms to complete the pre decree forms phase of the project, and to modify existing programming to fully conform to the new *Arizona Rules of Family Law Procedure* that took effect on January 1, 2006. As soon as the pre decree phase is complete, we will commence development work on the post decree forms. We project completion of this work during the summer 2006, and will then turn to conversion of other forms.

This online system has been implemented, and is continually becoming more user friendly and comprehensive. Development of new forms and enhancement of existing forms is, of course, work that will require permanent efforts toward continuing maintenance and modification. From the time our website went live in October 2004, until February 8, 2006 we record 5,475 cases having been initiated with the eCourt system. This includes 735 cases in 2004, 4440 cases in 2005, and 300 cases year to date in 2006 (thru February 8, 2006).

We believe this usage rate will significantly increase as the forms available are more comprehensive, and when we initiate the electronic filing of documents in Family Court in the near future.

To give a sense of the nature and quality of the forms generated by the eCourt system, we have included a set of comparative forms for review. Included as Attachment 43 is a set of forms and instructions currently available in our Self Service Center in paper format for a Petition for Dissolution of Marriage With Children, as well as a companion Decree of Dissolution of Marriage packet for the same procedure. The Petition and Decree for the same legal procedure generated by the eCourt system with fictional data is provided for review and comparison as Attachment 44. Obviously, no detailed instructions to complete the eCourt forms are provided or needed because the instructions and information necessary to complete the forms is provided in a prompted format when the user is electronically preparing the forms.

Initiative 27: Upon substantial conversion of existing Self Service Center forms to the eCourt system, develop an electronic eDecree module to memorialize binding agreements and consent decrees whenever and wherever agreement is reached in the Court process.

The next logical step to enhance the eCourt forms system is to develop an electronic module designed to memorialize full and partial agreements reached by the parties anywhere within the system. Judicial officers, attorney case managers, conference officers, and perhaps the parties themselves should have access to these electronic documents to enable a final consent decree to be generated or built one issue at a time as each of the 5 principal issues (custody, child support, spousal maintenance, property division and debt allocation) are resolved. This will prevent multiple litigations and hearings on resolved issues and narrow the focus of hearings and trials to only unresolved issues.

To date we have not had access to sufficient computer or other resources to commence development of this project. In addition, we believe that its development will be of better quality and be more efficient to develop if it is layered upon the completed work of the eCourt program. Learning from our experience with the development of eCourt to date, we hope to begin development of the eDecree project by the end of 2006.

Initiative 28: Develop a legal information manual to supply simple, consistent, and correct answers to common questions for use by all Court personnel and the eCourt system.

Rather than duplicate efforts, Maricopa County's Family Court has kept in close contact with the staff at the Administrative Office of the Courts ("AOC") which is developing statewide resources and training materials. We hope to play an integral role in the formation of these materials, and will disseminate them to all levels of the Court team when they are fully developed.

In the interim, Family Court has developed some strategies to begin to address the concerns implied by this Initiative. We have partnered with the Clerk of Court and provided training to Family Court Administration staff. (Attachment 45). The Family Court website was substantially rewritten with information provided in the form of frequently asked questions for use by Court staff and the public. (Attachment 46).

Our Family Court Navigator regularly assists litigants with procedural questions and answers other questions regarding Family Court matters. For the first two quarters of this fiscal year (July – December, 2005) 1219 litigants contacted the Family Court Navigator by telephone, email or walking in. Over 50% of litigants contact the Family Court Navigator to seek information in regard to existing cases and the process and/or procedures involved in these cases or in regard to post decree issues. Many inquiries are made about modification of an existing Court order and/or the enforcement of these orders and how to find forms, documents, legal advice and/or legal resources. Some inquiries are also made for requests for copies, records and general information. Additionally, inquiries are sometimes related to domestic violence and/or protective orders.

A Judicial Assistant trainer was hired on August 1, 2005. She is responsible for providing a comprehensive program to judicial staff members who are new to Family Court, as well as ongoing training and support to existing judicial staff throughout the year. She will bring consistency in the training provided and act as a liaison between judicial staff, Court administration and Court Technology Information Services. The JA Trainer will also ensure that the departmental Judicial Assistant manuals and training materials are up to date and will routinely distribute all materials.

Initiative 29: As soon as possible review and update the Court's change of address system to promptly and correctly notify all parties of all hearing dates and Court actions taken.

The nature of Family Court cases is that one or both parties, as their marriage or relationship disintegrates, often change their mailing address. Many litigants fail to inform the Court of their current mailing address and as a consequence, litigants do not receive Court notices of hearing dates or rulings timely. This results in a failure to appear for a hearing or in a failure to follow the Court's orders.

The Court had a formalized method to change addresses that, when properly followed, allowed the party to continue receiving notices and rulings from the Court. The Clerk also includes instructions on many minute entries as to how to effect a change of address. Despite these procedures, too many self-represented litigants failed to follow the procedure and consequently did not receive notices or rulings timely.

Many litigants file a motion or responsive document with a correct new address presumably believing that the Court will identify the address as new and make the necessary corrections for mailing. This belief, while somewhat reasonable, requires the Clerk of Court to compare the address on literally millions of filed documents with the docketing system to verify each address.

The Clerk of Court and the Family Court department began discussions in November 2004 on how to resolve this issue. In April 2005, after a series of meetings and development of procedures, the Clerk of Court authorized many more Court and Clerk employees to correct addresses in the computer system whenever and wherever they are identified. For example, Courtroom Clerks now have the authority to change addresses directly when the litigant is present in the Courtroom. Conference officers and other Court staff also are now authorized to change addresses as needed. (Attachment 47).

The Clerk of Court also created a workflow that allowed the Clerk to scan the documents and send to the support maintenance unit and the distribution center which allows both the iCIS system and the Atlas system to be updated simultaneously.

The following describes the address edit process in iCIS for all departments:

There is a new field on the Edit Person – Address screen called “Reason.”

The screenshot shows the Maricopa County Superior Court iCIS online interface. The browser window title is "Maricopa County Superior Court - Microsoft Internet Explorer". The address bar shows the URL: <http://icis.maricopa.gov/iCIS/Civil/PersonAddress.asp?userid=220&AppID=14&AppGroupID=106&loginkey=699415446&selectedcaseid=715966&PersonID=3646207&RoleID=922>. The page title is "CV Programmers online". The navigation bar includes "Entry | Inquiry | Administrative | Tasks" and a "Help" link. The main header displays "Edit Person: Jerrold Feldner CV2002000055 - Pltf: Jerrold Feldner, et.al. - JO: Arbitration 01 - Subcat: 163 - Other - Status: 76 - ARB Case Dismissed". The "Addresses" tab is selected, and the "Enter New Address" section is visible. The "Reason" dropdown menu is highlighted with a red circle. The "Save" and "Return" buttons are at the bottom.

When updating the party address information, please be sure to select a 'reason' the address was updated. The only reasons available for Judicial or Administrative staff members are: Courtroom, Document filed with COC, in Person with Form, or Initial Response.

REMEMBER: If the party has a Protected Address – Judicial and Administrative staff must send the party to the Clerk of the Court to have the address change in any manner.

This initiative is 100% complete. At each hearing or conference litigants are now asked to update their address by Court staff. The information is immediately added to the Court's computer database which increases the likelihood that litigants will receive Court documents timely. It is difficult to measure the overall impact of this initiative, however, this change has the potential toward increasing the litigant appearance rate at hearings and

conferences, increasing litigant compliance with Court Orders, and reducing the costs associated with return mail.

Other Initiatives: Although not identified in our Final Plan of Enhancement as specific initiatives, we indicated that we would also be looking at improvements in the Title IV-D program and the manner that Judges are rotated into a Family Court assignment.

I. Child Support Calculator

As each new version of the Arizona Child Support Guidelines has been developed and approved, the calculation of child support in each case has become increasingly more difficult and detailed. This dynamic contributed to create a culture that encouraged attorneys to request, and judges to grant a referral to our Expedited Services agency to perform the calculations. Even small variances in calculations by both sides might be referred to Expedited Services because of the time required to manually complete new calculations. This culture created needless delay, required multiple court processes, and inhibited the early resolution of cases. Electronic child support calculators have existed for some time, but they were either not readily available or usable at the time of a court hearing.

Judge Davis recognized the need for a simplified electronic calculator several years ago and created an interactive electronic child support calculator using Microsoft Excel. The goals were to provide a calculator that was easy to navigate by a Judge or attorney having basic familiarity with legal requirements, that was accessible in a hearing or conference without reliance on internet capability, and that could be easily completed and modified on one page to facilitate quick recalculation as the parties positions and the evidence required without cumbersome screen changes. The Excel calculator Judge Davis created for use with the 2001 Child Support Guidelines had been tested and used by a number of Family Court Judges prior to him becoming the Presiding Family Court Judge in June 2004. When the new 2005 Child Support Guidelines took effect on January 1, 2005, Judge Davis had already updated his Excel calculator for the new guidelines and added automatically generated support documents (child support order, order of assignment, and judgment data sheet).

This new 2005 Child Support Calculator is now in use by a majority of the Family Court bench, and has supported the creation of various other programs that rely on accurate and fast child support calculations. The calculator is now also in use by our attorney case managers, Expedited Service conference officers, Decree on Demand personnel, and the post decree child support court. The basic structure of the calculator was also incorporated in the development of a new interactive and prompted version created through the eCourt project that was recently made available to the public. A copy of the documents generated by the calculator is included as Attachment 48.

The use of this calculator has greatly streamlined the calculation of child support, reduced the chance of error in calculation, and assisted in the

settlement of cases by providing a rapid method to compare the parties' positions on one page. Once agreements are reached or judicial decisions made, the preparation of orders to memorialize the results is easily accomplished.

II. Title IV-D Cases

In January of 2005, the Family Court began to review the procedures in place for processing Title IV-D cases. These cases initially require only that paternity be determined and a child support order entered where paternity is found to exist. As such they should be among the easiest cases to resolve in a timely fashion. Our initial review indicated a number of areas of concern indicating further inquiry, including: 1) The time that Title IV-D cases remained in the system prior to completion or dismissal appeared to be excessive; 2) A significant number of these IV-D cases are filed but not prosecuted to completion; 3) The State had historically been permitted to vacate hearings without prior Court approval and without written motion when they were not ready to proceed; 4) A few anecdotal incidents of Respondents being turned away from Court hearings prematurely by the State without an opportunity to be heard indicated a need to review Court control and oversight of the proceedings; 5) Questions as to whether these cases could be processed more timely with more streamline procedures and fewer procedural steps in the process; 6) Concerns that pre-hearing settlement conferences were being conducted by the state using outdated manual child support calculation processes when computer technology could better address the large volume of calculations required and allow more efficient case processing; 7) Concerns that an excessive number of respondents failed to appear with the resulting entry of large arrearage judgments entered by default against them, and the missed opportunity for them to become involved in parenting the child; 8) The quality of the evidence presented in support of predominately default judgments; and 9) The confusion and delay generated from processing IV-D cases separately from non-IV-D cases filed by one or more of the parents.

Some initial adjustments to this process were explored in early 2005, and met with some resistance from the State. Because of the significant volume of cases filed by the State in IV-D matters, it was determined to review this process in a more comprehensive manner. Accordingly, the Court formed a IV-D Procedures Committee in the summer of 2005 to consider the issues and make recommendations. The Committee was facilitated by Noreen Sharp from the Court who had previously served as a Family Court Administrator, and was comprised of several Judicial officers, Attorney General and DCSE representatives, a private attorney, a Clerk of the Court representative, and several Court administrators. The Committee considered a wide range of topics impacting IV-D case processing, and made a series of recommendations that are currently under consideration by the Court. A number of changes are under

discussion by the Court that are designed to address the concerns identified and give appropriate consideration to the recommendations of the Committee.

III. Judicial Rotations

We also recognized that changes needed to be made with regard to the rotation of judicial officers to the Family Court assignment. In this regard, we are mindful of Chief Justice Jones' directive in his letter of August 20, 2004 that: "The practice of assigning predominately newly appointed Judges to Family Court for brief assignments simply must be balanced with the experience of more senior Judges and Judges serving longer rotations in the assignment." To address this issue then Presiding Judge Campbell formed a Committee on Rotations in Family Court to look at the various options for rotation and make a recommendation.

The Committee on Family Court Rotations met, considered a number of different proposals to change the method of rotation to Family Court, and submitted a formal recommendation to Judge Campbell on December 14, 2004. (Attachment 49). The Committee, in relevant part, recommended that:

Each Judge should serve a 4 to 5-year rotation in Family Court divided into 2 separate assignments—the first rotation being normally 2 to 3 years during the first 10 years of a Judge's career (absent the desire of a Judge to extend for more years), and the second an additional 2 to 3-year rotation during the last 10 years of the career. The exact schedule and timing should accommodate the needs of the Court, the prior experience and suitability of the Judge to serve in the assignment, and the desires of the Judge.

The annual rotation of Judges to Family Court that occurred in September 2005 was a significant departure from the previous practice of assigning primarily new Judges to the Family Court assignment. In furtherance of the new policy, eight senior and experienced Judges were assigned to Family Court at that time including Judge Campbell. The Family Court bench at present is comprised of a mix of senior Judges and Judges with less experience. We anticipate this trend to continue with the current presiding Judge and initial assignments bear this out. These changes have had a marked impact on the morale of the bench. We believe this area has been properly addressed and solved.

IV. Future Goals

As with most things, case management is not static. There remain a few details to be done to fully complete our initial plan of improvement, but we have already launched a new series of projects and ideas beyond the promised initiatives that will continue to impact case management and improve the manner in which we deliver services to the public. To provide some additional information, not as part of commitments made to the Supreme Court as part of a required improvement plan, but rather to further our own desire to improve whenever possible in the best traditions of the Maricopa County Superior Court, we have created a new list of priorities for 2006. These include:

1. Complete the 6 remaining initiatives detailed in the Final Plan of Enhancement:
 - Initiative 13 – Statistical management model
 - Initiative 14 – Development of “Exception Reports”
 - Initiative 21 – Post Decree petition tracking system
 - Initiative 22 – Reallocate post decree cases
 - Initiative 27 – Development of eDecree
 - Initiative 28 – Legal information manual.
2. Design and develop an automated computer process to notice and dismiss cases that are not served with process within the time periods required by Rule 40(I) *Arizona Rules of Family Law Procedure*.
3. Design and develop automated computer process to notice and dismiss cases that are not prosecuted within the time periods required by Rule 46 (B), *Arizona Rules of Family Law Procedure*.
4. Complete an analysis and reformation of Title IV-D case processing, including consistent process for administrative appeals of IV-D issues.
5. Develop systematic consolidation of multiple family court cases filed by the same parties including Title IV-D and non IV-D cases.
6. Develop comprehensive system to manage and track all post decree and post-judgment petitions including:
 - Complete development of post decree petition tracking enhancement in iCIS.
 - Compile list, if possible, of all pending unadjudicated post decree petitions, and/or
 - Dismiss by administrative order all unadjudicated post decree

petitions that are over 1 year old that have no hearings or events pending pursuant to Rule 91(R), *Arizona Rules of Family Law Procedure*.

- Design and develop automated process to notice and dismiss post decree petitions that are not prosecuted within the times required by Rule 91 (R) *Arizona Rules of Family Law Procedure*.
 - Complete initial cleanup of post decree petitions by dismissing all pending post decree petitions not prosecuted within the times required by Rule 91(R), *Arizona Rules of Family Law Procedure*.
 - Develop or refine statistical model and “Exception Reports” to include post decree petitions.
 - Include a review of miscellaneous motions/documents filed and explore methods to administratively dismiss or terminate.
7. Develop and implement a post decree enforcement court to enforce child support, spousal maintenance and medical bills with brief pre-hearing conferences and immediate hearings with a judicial officer on contested issues.
 8. Explore post decree enforcement court to enforce custody and parenting time orders, possibly in conjunction with ongoing ASU project.
 9. Complete review and reformation of any remaining services conducted by Expedited Services and explore restructuring as an integrated Family Court Services department.
 10. Review Expedited Plan and petition to modify local rule as needed.
 11. Conduct complete review of all Local Rules.
 12. Review and, if needed revise, Clerk functions re expedited child support process (e.g. tracking unit, stop mod process etc.) and ensure process is appropriate and efficient.
 13. Review Conciliation Services referral system, processing and performance standards.
 14. Perform detailed review of every component of family court system.
 15. Develop plan for electronic processing of *Orders of Assignment* to DCSE Clearinghouse and employers.
 16. Develop, implement and add all establishments of child support and all temporary child support orders filed under Rule 47(I), *Arizona Rules of Family Law Procedure* to the Post Decree Child Support Court.

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