

# Ohio Family Court Bulletin

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## Features of a Full Service Family Court

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Family courts handle families in crisis the same way a long-time family doctor – backed up by a team of familiar specialists and an efficient hospital system – treats our health problems. They *promise to know our family* by closely tracking our movement into and out of court over time, with a goal of learning from the past and having more complete knowledge of our present situation. And because they know us, they promise to *treat our family with concern and respect*, encouraging us to talk and listening carefully to what we have to say – all in an effort to quickly resolve the matter that brought us to court, with the minimum amount of disruption and risk of trauma to our family members, especially the most vulnerable members. Finally, they promise to *heal our family* where possible by applying effective interventions that address the underlying problems or deficits that required court intervention in the first place and closely follow the intervention to a lasting remedy.

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### *Actualizing the Three-Fold Promise of Family Court*

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A parade of court reforms attempting to deliver these three promises appears in the literature and practice, such as intake triage, one-family—one-judge, alternative dispute resolution and therapeutic courts. As a result, in the 1990s, efforts variously characterized as part or the whole of a “family court” have exploded across the country. At times, a single program or feature has become family court in a state, too often with little additional funding to actualize the promise to know, care for, and heal the family. In an effort to draw resources and positive attention, family courts are typically packaged with the same jargon commonly used to pitch products and ideas. For example, family court interventions and processes are at once family-oriented, comprehensive, specialized, individualized, holistic, unified and coordinated. Piercing the sales smoke, however, should always be the core belief that moves the family court to extraordinary effort – that the best

interest of children (and other vulnerable family members) should be central to any judicial decisions made in court cases involving the family. Therefore, anathema are courts that put children, the elderly, or victims of domestic abuse at risk because they are ignorant of the past and current legal cases of families before them; courts that fail to manage congested calendars; courts that do little to reduce the adversarial nature of the traditional legal process to resolve family disputes; and courts that give little regard to whether dispositions ever produce intended solutions.

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### *The Ohio Family Court Pilots*

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Two years ago the Supreme Court of Ohio and the Ohio Department of Job and Family Services funded four Ohio family court pilot initiatives in Clermont, Lorain, Fayette and Mercer counties. Individually, the pilots now have several of the features of full service family courts. Considered together, they approach a range of practice that should be present in family courts.

The Fayette County pilot strives to know families by screening most new cases involving children at intake for prior or concurrent court involvement and summarizing this information for the judge to consider in handling the new filing. Equipped with this information, judges and magistrates in Fayette County can systematically choose to consolidate cases across court divisions when they agree it serves the best interest of a child or a vulnerable family member.

In an effort to treat families with respect and concern, all four of the pilots have expanded mediation programs to a greater range of family case types. Free or low cost mediation services help reduce the adversarial nature of proceedings and the trauma of going to court, as well as empower family members in developing their own solutions to internal crisis and conflict.

In a similar vein, several of the pilots have revised their case flow management procedures to facilitate the expedited handling of family cases. The two largest pilots, Lorain County and Clermont County, have established procedures to expedite the handling of child protection cases – moving them quickly to initial disposition, well under Ohio’s 90-day statutory requirement. Through local court rule, the Lorain County pilot has instituted strict oversight in divorce cases. In Mercer County, two court divisions share a family law magistrate, which allows for more consistent and efficient handling of child custody, support and visitation matters.

Finally, all four pilot initiatives have expanded the level of services available to assist families in resolving the issues that resulted in court involvement. Clermont County initiated a volunteer Court-Appointed Special Advocates (CASA) program. Fayette County hired a family services coordinator. Mercer County utilized family court grant funding to provide a wide array of services to families in divorce and juvenile custody, support and visitation matters at no or minimal charge (including supervised visitation/exchange, custody investigations, mental health assessment and family counseling). The Lorain County court continues to move towards the development of a full service “family court department” which provides parent education, mediation, custody investigation, and supervised visitation/exchange services across the gamut of domestic relations and juvenile custody, support and visitation matters. Both Clermont and Lorain Counties established juvenile drug courts. Lorain County also established a family drug court and instituted a program for specialized mental health supervision/surveillance with wrap around counseling services for delinquent youth.

This final bulletin highlights various initiatives undertaken by the four pilot sites. These initiatives are grouped based on the above three-fold typology. That is, the family court movement holds out the promise to know families, treat them with care and respect, and to address the issues that brought them to court.

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### ***Fayette County Begins Consolidating Cases Across Court Divisions***

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If family courts are going to know us and treat us with care and wisdom, they have to assemble knowledge about our experiences in the court system. The search must extend into both the past and present, beyond a single court division, across all the branches of the court system in a county, and possibly across other jurisdictions within the state. Of the four family court pilot initiatives, Fayette County was the only one to implement systematic screening for prior or concurrent court involvement. As a result, they were the only court equipped with information to systematically consolidate cases across court divisions when this was deemed to be in the best interest of vulnerable family members – most often children.

### ***The Importance of Intake in Family Court***

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The responsibility of family courts to identify families and their related past and pending cases begins at intake. Accordingly, intake has been characterized as a “key” to the success of family courts.<sup>1</sup> In addition to screening for related cases, intake is the departure point for objectives commonly associated with family courts to:

- collect information to bring the appropriate resources to bear at the earliest possible point in a case;
- consolidate actions pending in different court divisions when it serves the best interest of a vulnerable family member;
- aggressively manage cases to early resolution;
- provide alternatives to traditional litigation where appropriate (e.g., mediation and diversion); and
- increase the public’s ability to access the court in family matters (e.g., *pro se* services).

Consistent with these goals, the immediate impact of “family court” intake screening in Fayette County was to increase referrals to mediation, provide additional assistance to *pro se* litigants in the way of forms and filing packets, and to coordinate information and hearing for separate cases within the Probate/Juvenile Court (please see figure 1).

### ***Consolidating Cases across Courts in Fayette County***

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About one year into the pilot, the Fayette County family court initiative began to consolidate cases across court divisions. In total, 22 domestic relations cases were consolidated or coordinated with counterparts in the Probate/Juvenile Court. Responsibility for these consolidated cases remained with the Probate/Juvenile Court judge. To date, no municipal court domestic violence cases have been consolidated, but this may occur in the future.<sup>2</sup>

The 22 domestic relations cases consolidated with counterparts in the Probate/Juvenile Court mostly involved divorces and dissolutions – 10 pre-decree cases and 9 post-decree cases. The remaining cases involved civil protection from abuse filings (two cases) and interstate custody and child support actions (one case). Several of the cases were consolidated because matters involving custody, child support or visitation were pending in the Probate/Juvenile Court. In some instances, cases were consolidated because filings were *pro se* with murky

**FIGURE 1**  
**THE FAYETTE PILOT CONSOLIDATES CASES WITHIN THE PROBATE/JUVENILE COURT**

■ ***TRIGGERING ACTION:***

A dependency complaint is filed in Probate/Juvenile Court by the child protection agency on two children.

■ ***AT FILING, THE INTAKE OFFICER FINDS:***

- a divorce granted in the Domestic Relations Section of the Common Pleas Court within the last year;
- a criminal domestic violence action involving the children's mother against an elderly relative, resulting in a jail sentence for the mother;
- a recent history of criminal domestic violence charges filed against both parents;
- a civil protection from abuse action dismissed by the domestic relations court two years earlier;
- a recent history of small claims actions and evictions;
- a history of referrals to the local child protection agency;

■ ***THE INTAKE OFFICER CONTINUES TO TRACK ACTIONS ON THE FAMILY AND FINDS:***

- the local child protection agency files a motion for permanent custody (termination of parental rights) in the dependency case;
- the Probate/Juvenile Court grants permanent custody to the local child protection agency, freeing the children for adoption;
- both a relative and the foster parents file for adoption of the two children;
- as the adoptions are pending, the mother and father have a third child born out of wedlock;
- because the third child is born while the mother is incarcerated, Children's Protective Services removes the child, places her with a relative and files a dependency complaint, which they later withdraw because the parents are considering relinquishing parental rights to the relative;
- the parents decide not to relinquish their parental rights, and the relative files for custody of the third child; and finally
- the child support enforcement agency files actions for paternity and child support on the new child.

■ ***OUTCOME:***

The family court intake officer identifies the actions enumerated above. Subsequently, she assembles information concerning the action for the judge, and where possible, works with scheduling clerks to coordinate the separate actions for hearings on the same day. Support actions are coordinated for the cases and custody and adoption matters for the three children are currently pending before the Probate/Juvenile Court judge.

**FIGURE 2**  
**THE FAYETTE PILOT CONSOLIDATES CASES FROM THE DOMESTIC RELATIONS SECTION**  
**OF THE COMMON PLEAS COURT**

■ **TRIGGERING ACTION:**

A dissolution of marriage is filed in the Domestic Relations Section of the Common Pleas Court and involving three minor children

■ **AT FILING, THE INTAKE OFFICER FINDS:**

- a third party custody case in juvenile court;
- a referral for intervention by Children’s Protective Services;
- a child of the marriage referred on a delinquency complaint currently being handled by the Probate/Juvenile Court’s Diversion Program;
- a second child of the marriage referred on both delinquency and unruly charges currently on probation under the supervision of the Probate/Juvenile Court;
- the father has three additional children with another woman resulting in the filing of various types of parentage complaints in the Probate/Juvenile Court.

■ **OUTCOME:**

Under the family court pilot, the domestic relations section transferred the dissolution to the Probate/Juvenile Court, which coordinated the case with pending actions for child protection, custody, delinquency and child support. As a result, the Probate/Juvenile Court reviewed and terminated protective supervision by the local child protection agency, coordinated child support actions in the case, dismissed the third party custody cases and closely monitored the progress of the children in the Probate/Juvenile Court’s diversion and probation programs.

allegations of abuse or neglect; children of divorcing parents had been referred to the Probate/Juvenile Court on unruly or delinquency complaints; or families needed services that were not available in the General/Domestic Relations Court (please see figure 2).

***Mercer County’s Shared***  
***“Family Court Magistrate”***

Through the cooperation of judges assigned to the General/Domestic Relations and Probate/Juvenile Divisions of the Court of Common Pleas, Mercer County is able to blend responsibility for child custody, support and visitation matters in a single jurist. This has allowed for the more consistent and efficient handling of these matters and development of programs and services to families regardless of the court division in which their cases are filed. While not precluded, traditional court structures in many Ohio counties do not encourage such blending of jurisdiction over these family matters.

In Ohio, jurisdiction over child custody, support and visitation matters is bifurcated in two divisions of the Court of Common Pleas. The court’s Domestic Relations Division has jurisdiction over all such matters arising out of a divorce or marriage dissolution, including any post-decree matters. However, any similar issues involving unmarried parents or married parents not filing for divorce are filed in that court’s Juvenile Division.

While Ohio statutes permit a county to combine court divisions, only 16 of Ohio’s 88 counties have a Court of Common Pleas that combines jurisdiction over domestic relations and juvenile matters in the same division.<sup>3</sup> In these jurisdictions, the same court handles all child custody, support and visitation matters regardless of the parents’ marital status. This structural arrangement also encourages courts to assign juvenile and domestic relations custody, support and visitation matters to the same jurist. Among the four family court pilot sites, Lorain County is the only one to establish a combined Domestic Relations and Juvenile Division. Lorain County also has three magistrates (each assigned to a specific judge) that specialize in custody, support and visitation matters regardless of their filing origin.

In the remaining 72 Ohio counties, families coming to court on child custody, support and visitation matters are directed to different court divisions depending on their marital status. It is conceivable and not uncommon for parents who have children with multiple partners to have jurists from different court divisions independently resolve custody, support and visitation matters involving their children. This bifurcated structural arrangement does not encourage consistency or coordination of court orders on these matters for step-siblings. It also does not encourage consistency in court orders across families seeking legal resolution of essentially similar matters.

Mercer County has taken an innovative and straightforward approach to address these structural limitations. To foster the consistency lacking in many other Ohio counties, the Mercer County judiciary have agreed to jointly appoint a single, shared magistrate to handle both domestic relations and juvenile custody, support and visitation matters. Although the appropriate judge reviews and signs magistrate orders, the process has fostered judicial consistency in the handling of essentially similar cases regardless of the filing origin.

In addition, the consolidation of jurisdiction on custody, support and visitation matters has encouraged the development of programs and services for court-involved families that transcend traditional court boundaries. The array of services to these families is impressive, particularly for a small, rural county of approximately 40,000 people. In part this can be attributed to the consolidation of jurisdiction in a shared magistrate.

- Through funding provided by the family court grant, the Mercer County Court of Common Pleas offered a wide array of services to all families coming to court on domestic relations and juvenile custody, support and visitation matters. These services (provided at no or minimal charge) include mediation, supervised visitation and exchange, custody investigations, psychological assessments, and counseling.
- Supervised visitation/exchange services and mediation services are funded through a grant provided by the Ohio Department of Job and Family Services for families involved in domestic relations or juvenile cases in which visitation and/or custody are in litigation and child support is paid through the Mercer County Child Support Enforcement Agency (CSEA).
- Lastly, Mercer County Court of Common Pleas, in collaboration with that county's CSEA, Department of Job and Family Services and a local service provider (Gateway Outreach Center), has instituted an innovative program to compel and assist unemployed adults with active child support orders to obtain employment. The shared

magistrate court routinely orders unemployed adults with outstanding arrearages into the program. This magistrate also presides over weekly court hearings held in conjunction with the Seek Work Program and cites participants for contempt if they do not comply with program requirements. Possible sanctions include a jail sentence of up to 30 days.

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### ***The Lorain County Domestic Relations Court Front-Loads Divorces***

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Time is a critical concern for all court systems. Courts either manage cases to timely resolution through sound case-flow procedures and close oversight by court staff, or drown amid an ever-burgeoning backlog of cases. The stakes are even higher for family courts because research suggests court delay can hurt children by unnecessarily extending a period of uncertainty in their lives. As a result, family courts increasingly attempt to 'front-load' cases by identifying critical issues as early as possible (e.g., custody, support, visitation) and addressing these in a timely manner.

As part of its family court initiative, the Lorain County court modified its local court rules for divorce cases to require the scheduling of a case management conference within eight to ten weeks of the filing of the divorce complaint. The intent was to front-load the court process by identifying areas of disagreement earlier and allowing the court to more actively monitor case progress. As a result, research conducted by NCJJ indicates that cases are more likely to close in the first six months after filing (particularly those involving children) and the number of cases extending beyond the Supreme Court Guidelines has been cut in half.

### ***The Need for Case Management in Divorces***

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Divorce case management time frames established in Ohio statute and state court rules are relatively general in contrast to other types of cases where the state code imposes a detailed time structure for completing each phase of the case (e.g., child protection). The outer time limits are recorded in the Supreme Court Rules of Superintendence, which generally establish the procedure for reporting progress to disposition for all case types and the responsibilities of the court to monitor the time.<sup>4</sup> The Supreme Court reporting form<sup>5</sup> provides:

- Eighteen months from filing to complete a divorce in a case with children;

- Twelve months from filing to complete a divorce in a case without children;
- Nine months from filing to enter a decision on post decree matters; and
- Three months from filing to a complete a dissolution with or without children.

Beyond these outer time frames, the management of divorces is left to each court system through its local court rules, the individual practice of judges, and the level of oversight they choose to exercise. The local rules can require hearings, affidavits, and draft entries within particular time frames, and judges can order status conferences or pre-trials when they are concerned about an individual case.

Where courts choose to exercise minimal oversight of the process, attorneys control the docket. They can file actions to move cases as they deem appropriate. While some attorneys encourage agreement with the opposing party and quick settlement of the divorce, others will use delay as a tactic to wear down the opposition and diffuse hostile emotions. Such tactics can result in significant delays as contested issues are not clearly identified and key information exchanged until late in the process.

### ***Local Domestic Court Rules***

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To address these deficits, the Lorain County Domestic Relations Court implemented a series of rules during the 1990s that would eventually provide a structure for managing divorce cases from filing to resolution. Early innovations included requiring divorcing parents to attend a mandatory educational seminar. The seminar reflects the court’s attempt to educate parents about divorce’s impact on their children and hopefully encourages parents to set their hostilities aside and reach timely agreements that are in the best interest of their children. Subsequent rule modifications required the preparation and submission of detailed “settlement conference statements” prior to a “settlement conference” before the assigned judge. If outstanding case issues are not resolved at the settlement conference, court rules require parties to submit proposed judgment entries prior to the final pre-trial on the case.

### ***The Case Management Conference***

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The court’s 1999 revision to its rules governing divorce proceedings now requires the scheduling of a case management conference (CMC) within eight to ten weeks of the complaint filing. Similar conferences are also required at the time that motions are filed to modify the allocation of parental rights and responsibilities. The filing party must provide notice to all

parties of this conference. Failure to schedule a CMC can result in the court dismissing the action for want of prosecution. The rule also requires parties to attend the conference, sanctioning non-attendance by contempt and award of expenses and attorney fees to any party prejudiced by the failure. Failure to appear by a responding party could further lead to the matter being scheduled for an uncontested final hearing. At the CMC, attorneys must be prepared to:

- narrow the issues in controversy;
- admit to facts not in dispute;
- advise the court of the need and time required for discovery and establish a binding discovery schedule;<sup>6</sup>
- consider the possibility of ADR (mediation) to resolve contested issues;
- discuss allocation of parental rights where children are involved; and
- schedule the next two hearings in the process.

The court issues a detailed order at the conclusion of the conference setting forth all findings, and attorneys and clients leave with a copy in hand. Magistrates may use their own structure for the order. However, they all address topics for discussion enumerated in the court rule and set a deadline for discovery. Based upon this deadline, the CMC order includes dates for the next two hearings– a status conference with a magistrate 14 days from the discovery deadline and a settlement conference before a judge 45 days from the status conference.

### ***Perceptions of Clients in the CMC***

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As part of the CMC assessment, participant surveys were administered to clients of the process at the conclusion of 34 conferences. Most survey respondents attended the conference with their attorneys. The responses were overwhelmingly favorable:

- All survey participants responded that they felt the magistrate clearly described the purpose of the CMC;
- Almost 80% believed that the CMC would help expedite their divorce; and
- Upward of 90% felt that the court was correct to take an active role in managing divorce cases by asking parties to identify contested issues.

## Outcomes

Research conducted by NCJJ as part of the Ohio Family Court Feasibility Study, Phase II indicates that these new court rules requiring the early scheduling of a case management conference have resulted in the court closing a higher proportion of divorce cases within the first six months of filing. In the year prior to the implementation of the new court rule in March 1999, 48% of all divorces were resolved within six months of complaint filing (see Figure 3). During the first 15 months after the new court rule was implemented, 56% of all divorce complaints were resolved within the first six months. This increase of eight percentage points reflects a 17% increase from the earlier case closing rate.<sup>7</sup> The largest impact was in divorces involving children. The percentage of cases resolved within the first six months increased from 40% to 50% – an increase of ten percentage points or 25%. The percentage of divorces without children resolved within six months increased six percentage points from 58% to 64%, a 10% increase.

The CMC rule also considerably reduced the proportion of divorce cases that extend beyond the Supreme Court Guidelines. The overall proportion of cases extending beyond the Supreme Court Guidelines was 10% before the rule was implemented, decreasing to 5% afterwards (see Figure 4 on page 8). The percentage of divorce without children filings that took longer than 12 months to resolve was reduced from 18% to 9%. The percentage of divorce with children filings extending beyond the 18-month guideline was also reduced – from 5% before the rule was implemented to less than 3% during the 15-month period beginning in March 1999.

## The Fayette County Probate/Juvenile Court Strengthens its Juvenile Diversion Program

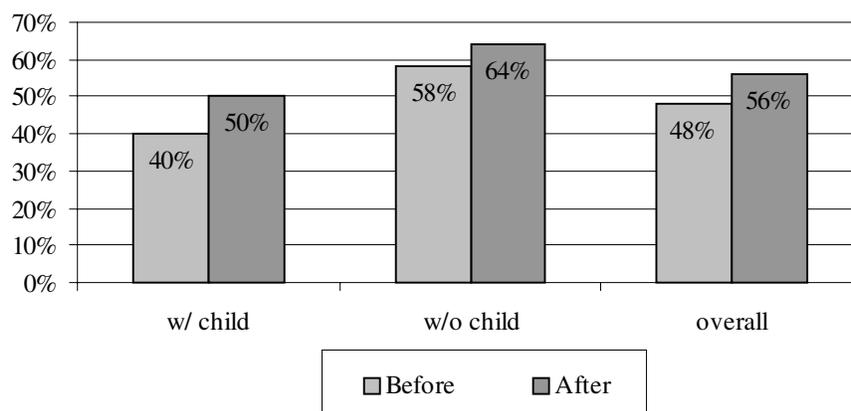
A fundamental challenge for family courts in rural communities is finding resources to address the problems of youths who display the first signs of trouble in their lives while minimizing the social stigma associated with formal juvenile court interventions, such as probation. To meet this goal, the Fayette County Probate/Juvenile Court expanded resources for juvenile diversion during its family court pilot and increased the intensity of its 4-H Experience.

The Fayette County Probate/Juvenile Court established its Juvenile Diversion Program in 1997 to provide services to juveniles referred to the court for truancy, underage consumption of alcohol and first-time minor delinquency complaints, such as shoplifting. Since that time, more than 600 youths have been diverted into the program.

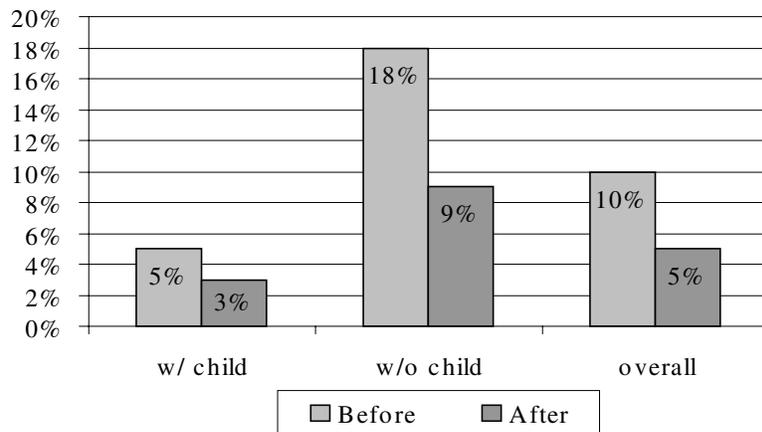
### Developing Character Through 4-H Programs

From the start-up of diversion in Fayette County in 1997, the Probate/Juvenile Court turned to 4-H Youth Development to plan an effective intervention for youths placed in the program. In the words of Nancy Drake Hammond, Probate/Juvenile Court Judge, the court's partnership with 4-H is viewed "as a corollary to the rural nature of the community ... Locally, 4-H has always been viewed as a youth program to impart knowledge and to positively involve adults in youth's lives." Support for Judge Hammond's view is found both in the history of 4-H, its tradition in Ohio, and trends toward using the program for delinquency prevention in other parts of the nation.

**FIGURE 3**  
**LORAIN COUNTY DIVORCES**  
**PERCENTAGE OF CASES CLOSED WITHIN SIX MONTHS OF FILING**  
**BEFORE AND AFTER CASE MANAGEMENT CONFERENCE REQUIREMENT**



**FIGURE 4**  
**LORAIN COUNTY DIVORCES**  
**PERCENTAGE OF CASES EXTENDING BEYOND SUPREME COURT GUIDELINES**



For most of the 20th century, 4-H programs have worked to develop character among youth ages 5 to 19 by organizing opportunities for experiential learning and developing a sense of citizenship, as well as a passion for learning by doing. Currently, approximately 15% of Fayette County youth in this age group are enrolled in 4-H clubs. According to the Ohio State University Cooperative Extension, 300,000 young Ohioans are enrolled in 4-H youth development programs in rural, suburban and increasingly urban settings.<sup>8</sup> Federal and state sources outside of the cooperative extension service also support extending 4-H to at-risk youths. For example, two programs recognized by National 4-H as year ‘2000 programs of excellence’ received juvenile justice and social service funds. Specifically, the federal Office of Juvenile Justice and Delinquency Prevention awarded a \$150,000 grant to the New Mexico State University Cooperative Extension (who matched this with another \$100,000) to fund 4-H Youth Development programs to prevent delinquency in each of that state’s counties with after school programs. The South Dakota Office of Child Care Services (Department of Social Services) funds similar projects with a \$95,000 commitment to help at-risk students after school (for additional information concerning nationally recognized 4-H programs, go to the National 4-H Youth Development Website, <http://www.4h-usa.org>).

***Program Format***

The Probate/Juvenile Court’s intensive 4-H Experience currently meets twice a month during an eight-month period from February through August and conducts business like a regular 4-H club. Club meetings are typically about two hours long.

4-H Club participants choose projects to prepare for the Fayette County Fair that range from outdoor cooking to photography to gardening and caring for small animals such as rabbits, chickens, and hamsters. Every fourth meeting, parents are invited to an informal dinner meeting of the club followed by the regular business meeting and structured activities designed to engage parents in working with their youth. The meeting concludes with participants learning life skills from community volunteers and 4-H advisors, while parents gather in a separate support group apart from their children. The program also sends youth to 4-H camp and organizes special events and community/social outings. The program engages the local business community to help with resources for these special events and to provide positive models for juveniles participating in this component of the court’s diversion program.

***Recruiting Volunteers***

The recruitment of volunteers for the program has been its biggest challenge and greatest strength over time. In the words of Nadine Fogt, the county’s Ohio State University Cooperative Extension Agent: “The Diversion clubs [have] grown in leadership and volunteerism, while branching off to new experiences.” With the help of Ms. Fogt, the program engages adult alumni and participants in 4-H as well as citizens at large to help with the program, and recruits 4-H Teen Leaders to serve as mentors. Program staff also collaborate with local Master Gardeners who teach program participants the art of gardening and provide opportunities for community work

service. Mental health professionals from area hospitals and counseling agencies are program partners who teach youths life skills like anger management, coping with loss and grieving, and setting goals and decision-making.

## ***Outcomes***

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Over the program's first 5 years, it graduated 55 of 58 participants and entered competitions each year at the County Fair, winning several awards, and earning considerable recognition from the community. Of the 55 juveniles who graduated from the program, 14 re-offended and were placed on formal juvenile probation.

Additionally, diversion program staff created a 4-H group of 13 graduates who continue to benefit from the support of the program and serve as mentors to juveniles just starting in the program. The program also successfully engages parents to work with their children to complete program requirements. Parents impart skills, lead activities, and help with meeting preparation.

4-H activities connect youths to the community in which they live. Appearances at the Fayette County Fair help attract positive attention to the youths and bring the community closer to juvenile court programs. In the words of Pam Belcher, the Coordinator of Juvenile Court Diversion, the program is "a rewarding way to give some at-risk youth positive mentors and positive experiences in the community." According to Nadine Fogt, "the program has been beneficial to the community and schools for imparting life skills. However, the biggest benefactors are the youths involved in the program."

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## ***The Lorain County Domestic Relations Court Develops a Seminar for Unmarried Parents***

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Family courts often utilize educational seminars to sensitize parents to the difficulties children have in coping with divorce. These programs contribute to more timely and less contentious case resolutions that minimize the amount of disruption and risk of trauma to the children involved.

With this objective in mind, the Lorain Domestic Relations Court decided to expand its education program to the unmarried population. It established a program specifically tailored for couples who recently established paternity and are now faced with issues of access and visitation. The program is the first in Ohio and among a handful of examples in the Nation.

## ***The Seminar builds on a strong local tradition of parent education in custody matters***

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The new unmarried parents seminar builds upon a strong tradition in the Lorain County court requiring divorcing parents to participate in a mandatory divorce education program. The Family Court Services Department administers the court's divorcing parents seminar. This mandatory two-hour seminar is conducted three to four times per month. The seminar for divorcing parents is held at non-traditional times, including weekday evenings and Saturday mornings and is personally hosted by one of the three domestic relations judges. The program uses a video that was professionally developed in collaboration with the Lorain County Community College to portray the experience of families in court. The producers worked with the court to include the voices of the judges on legal issues and the voices of parents and children who went through divorces in Lorain County.

Many participants are typically reluctant to attend the court-ordered program. However, participant surveys consistently suggest that most have a change of heart after they hear what the judges have to say about putting their children first. Specifically, 90% of participants thought the divorcing parents seminar helped them better understand how their child feels about divorce, and 80% suggested the seminar will change their interaction with their spouses and children during the divorce. Based upon its track record of success with divorcing couples, the court decided to chart new ground by developing a similar educational seminar for the unmarried population who also face issues of custody and companionship (i.e., visitation).

## ***The Seminar is among the first in the Nation***

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During the early months of the family court initiative in Lorain County, NCJJ conducted a search for program examples from other jurisdictions across the country that addressed the needs of unmarried parents. The search yielded only a handful of well-documented examples of a court or child support enforcement agency administering a seminar for unmarried parents. Examples were found in Cook County (Chicago) and DuPage County, Illinois and Wayne County (Detroit) and Oakland County (Pontiac), Michigan. Out of these sites, Pontiac was the only one to use a professionally developed video for the seminar, featuring parents and children who went through the court experience.

## ***Authority for requiring parent education***

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To support the seminar, the court worked with the local family bar to revise its local domestic court rules to include a mandatory requirement for parent education in all cases involving children:

All parents filing actions in which there are any minor children shall attend an educational seminar for parents sponsored by the Court. Seminar attendance may also be required by order of the Court after the filing of motions concerning modification of parental rights and responsibilities and modification of enforcement and parenting time.

With the Seminar for Unmarried Parents in mind, the rule was revised to extend beyond divorce, dissolution and legal separation actions to paternity and juvenile court allocation of parental rights and responsibilities, as well as any mediation conducted by the court involving administrative determinations of paternity.

The Seminar for Unmarried Parents is held prior to companionship hearings that are scheduled subsequent to the IV-D agency establishing paternity, and the court ordering support based upon this administrative finding. Penalties for non-compliance with the court rule apply to both married and unmarried couples:

1. No action shall proceed to final hearing until there has been compliance with the rule, provided, however, that non-compliance by a parent who enters no appearance and does not contest the action shall not delay the final hearing.
2. No person shall be designated residential parent and legal custodian of any minor child without attending the Parenting Seminar, except under extraordinary circumstances.
3. No shared parenting plan shall be approved unless both parties have attended the Seminar.
4. Parenting Time orders shall be held in abeyance until such time as the parent seeking parenting time completes the Seminar.

The penalties enumerated in the court rule give the Domestic Relations Court the authority to hold parents in contempt or to waive the parenting education requirement for good cause shown.

## ***Early Outcomes***

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The primary weakness of parent education programs in other jurisdictions has been the inability of the child support agency or court to mandate attendance. Phone surveys conducted by NCJJ staff with parent education program administrators suggested that they all struggle with attendance. The strongest program among the four referenced earlier only had a 15% participation rate. In contrast, Lorain County's Seminar for Unmarried Parents has a 43% attendance rate, and couples frequently attend hearings for companionship immediately after the seminar and adopt the court's standard order for visitation or schedule a mediation session with the court's Family Court Services Department.

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### ***The Fayette County Family Services Coordinator***

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Rural counties often find it hard to provide and coordinate services that effectively address the underlying issues that bring families to court. The Fayette County Family Court pilot initiative attempted to address this gap through the use of a family court services coordinator. From the beginning of the pilot, the coordinator met the needs of the court in several important areas including:

- accepting appointments as a guardian *ad litem* in both custody and child protection cases;
- conducting custody investigations in juvenile court custody cases, as well as in divorces and dissolutions which were consolidated with their probate/juvenile court counterparts;<sup>9</sup>
- tracking the implementation of court ordered services;
- tracking outcomes for families referred for services as part of a mediation agreement including informal cases referred to mediation;<sup>10</sup> and
- tracking contempt cases with suspended sentences for failure to pay child support.

Initially, the family court services coordinator was primarily assigned to cases filed in the Probate/Juvenile Court. However, as the pilot initiative moved toward sharing information and consolidating cases across the Probate/Juvenile and General/Domestic Relations Divisions of the Common Pleas Court, the family court services coordinator was assigned to an increasing number of pre- and post-decree divorce cases.

As the position developed, this individual also became the court liaison to the various social service agencies operating in the county, and as result, succeeded in bringing them together to better identify service needs and possible funding solutions. Resource gaps identified include the need for a volunteer guardian *ad litem* (CASA) program, supervised visitation and exchange services, parent education for the unmarried involved in custody and companionship actions, and development of a closer working relationship between the court and local schools.

## Outcomes

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By the close of the pilot initiative in June 2001, the family court services coordinator had become an integral component of the burgeoning family court in Fayette County. This individual helped the court identify a number of areas where resources are needed, helped respond to those needs for at least part of the court's caseload, and moved toward bringing agencies together to identify more permanent funding sources for these services. In the process, communication was improved between the two divisions of the Common Pleas Court, between the Common Pleas and Municipal Courts, and between the courts, key social service agencies and community leaders. The product of the new partnerships resulted in applications/proposals submitted to:

- The Federal Family Violence Prevention and Services Program to fund the renovation of a multi-purpose facility to serve as the local domestic violence shelter and to provide for supervised visitation and exchange services; and
- National CASA to fund local program startup;<sup>11</sup>

Additionally, the facilitator worked with representatives from the local Children's Protective Services Agency and the Bureau of Child Support to develop resources for unmarried fathers facing actions for child support and companionship. The project was funded by the local Family and Children First Council and succeeded in extending resources for parent education with professionally developed videos purchased from another court and a 'Father's Toolkit' they developed and distributed to 12 partner agencies in the county.

## Concluding Remarks

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In this last issue of the *Ohio Family Court Bulletin*, the authors felt it was appropriate to highlight innovative and promising programs implemented in the four pilot counties over the last two to three years. Considered together, these programs approach the range of practice that should be present in a

"comprehensive" family court. It is our hope that other Ohio courts will consider implementing similar family-focused programs in their jurisdictions.

The authors would also like to take this opportunity to thank the Ohio Supreme Court, the Ohio Department of Job and Family Services, the Governor's Task Force on the Investigation and Prosecution of Child Abuse and Child Sexual Abuse Cases, as well as the judiciary, court administrative/program staff and representatives of the local bar from the four pilot sites for their support and cooperation over the course of the last few years. While challenging, this project has been a rewarding and immensely educational experience on our part. Hopefully, the same can be said by our Ohio colleagues. A final report discussing project findings and recommendations is currently being drafted and should be available for statewide distribution by the end of the calendar year.

### Endnotes

<sup>1</sup> Hurst, E.H. and Kuhn, J.A. (1993). *A Family Department for the District Courts of Kansas: Recommendations for Implementation*. Reno, NV: National Council of Juvenile and Family Court Judges.

<sup>2</sup> Progress has been slower due to a lack of precedent in Ohio for consolidating cases across entirely separate courts.

<sup>3</sup> Seven of Ohio's smallest counties have Courts of Common Pleas with no specialized divisions (Adams, Harrison, Henry, Morgan, Morrow, Noble and Wyandot counties). By default, juvenile and domestic relations matters are handled by the same court division. Eight other counties have a combined domestic relations/juvenile division (Clark, Erie, Franklin, Lorain, Marion, Richland, Stark, and Trumbull). One county has a combined domestic relations/juvenile and probate division (Auglaize County).

<sup>4</sup> Per Civ. R. 75 time limits for divorces fall under the Rules for Common Pleas Courts, Rule 8.01 for Civil Case Time Limits, which requires time limits to be set on the "reporting form" from the Supreme Court.

<sup>5</sup> Form B: Domestic Relations Division.

<sup>6</sup> Examples include timetables for exchange of expert reports, such as custody evaluations, depositions, appraisals, pension valuations and the exchange of tax returns and other wage information.

<sup>7</sup> The 17% increase is obtained by dividing the raw percentage point difference between the before and after rates by the before rate: (56%-48%)/48%.

<sup>8</sup> About 16% of youths involved in Ohio 4-H live in cities and suburbs with populations greater than 50,000 (Ohio 4-H Youth Development Webpage, <http://www.4h-usa.org>)

<sup>9</sup> The movement toward GAL and home investigation services has also caused the court to pursue training for the coordinator in these areas.

<sup>10</sup> Not all of the mediated agreements in the Fayette County family court pilot initiative are subject to a court order. The program accepts informal referrals for mediation from schools and private citizens.

<sup>11</sup> The Coordinator has also kept in close contact with the Ohio CASA Association for information concerning possible startup grants, but funds were not available during the life of the project.



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