

**REPORT OF THE  
JUDICIAL COUNCIL OF VIRGINIA ON**

**The Family Court  
Pilot Project**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



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**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1993**

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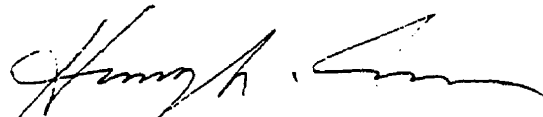
MEMORANDUM

TO:           **The Governor  
                  and  
                  General Assembly of Virginia**

It is my pleasure to transmit to the Governor and members of the General Assembly the Report on the Family Court Pilot Project by the Judicial Council of Virginia. This report has been prepared in accordance with § 20-96.2 of the Code of Virginia.

For more than forty years, both the judicial and legislative branches of government have been concerned about the handling of family law matters in the courts. This was highlighted by the passage of legislation by the 1989 General Assembly directing the Council to establish an experimental pilot family court project. The extensive evaluation of the project conducted during the past year provides ample evidence of the need for improvement in the manner in which family law matters are handled in the courts. Based upon the results of this project, the Council believes that the time for study is over. Thus, we are recommending for your consideration during the 1993 Session legislation to create a comprehensive family court in Virginia. The Council's proposal for the structure, funding and staffing of the family court is set out in this Report.

The proposed restructuring of family law matters in the courts will provide better service to children and families. This court reform can be achieved with the expenditure of a reasonable amount of money which can be generated without drawing upon existing revenues or unduly burdening anyone. I am not an advocate for frequent change, but when the case for change has been made, when it is compelling, when the course is clear, we do less than our duty if we fail to press for the change with all our energies. In my view, this is such a situation, and I hope that you will join me in supporting the creation of a Family Court in Virginia.



Harry L. Carrico, Chief Justice of Virginia  
Chairman, Judicial Council of Virginia

HLC/ed  
Enclosure

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## EXECUTIVE SUMMARY

### Introduction

For over forty years, the judicial and legislative branches of government have been concerned about the handling of family law matters in Virginia's courts and have debated whether a court which has jurisdiction over all family controversies would better serve our citizens. Numerous studies have been conducted by both the General Assembly and the Judicial Council of Virginia regarding the adjudication of family matters.

The 1989 Session of the General Assembly enacted legislation which directed that the Judicial Council establish an experimental family court program (Chapter 641, 1989 Acts of Assembly.) Pilot courts began operating under the program January 1, 1990 and ceased to accept new family court cases as of December 31, 1991. The Judicial Council is charged by § 20-96.2 of the Code of Virginia with the responsibility of reporting "its findings concerning the impact of the experimental family court program on the Commonwealth's judicial system by December 31, 1992, to the Governor and the General Assembly." This report by the Judicial Council fulfills this statutory mandate.

The enabling legislation for the Family Court Pilot Project placed jurisdiction and responsibility for child and family-related court issues in one court, a family court. The pilot family courts were authorized to hear not only all cases normally within the jurisdiction of the juvenile and domestic relations district courts but also suits for annulling or affirming a marriage and for divorce that were referred to them by the designated circuit courts. The designated circuit courts were required to refer to the family courts no less than 20% nor more than 50% of all suits for annulment or affirmation of a marriage and for divorce filed in the circuit court. The addition of divorce suits to the jurisdiction of the juvenile court which is traditionally charged with responsibility for child and family-related cases provided an opportunity in the family court to consolidate related family issues.

Final orders of the family court were appealed on the record to the Court of Appeals in any case involving a suit for annulling or affirming a marriage and for divorce, custody, visitation or civil support of a child, spousal support, and termination of residual parental rights and responsibilities as well as enforcement or modification of circuit court orders pursuant to § 20-79(c). This statute excluded the use of de novo appeals to the circuit court for the pilot family courts in these specified case types.

As required by law, the judges who served as family court judges were drawn from both the circuit court bench and the juvenile and domestic relations district court bench. They represented both urban and rural areas of the Commonwealth. One characteristic common to the judges who served on the family court bench was their special interest in child and family legal issues. The use of commissioners in chancery by the family courts was prohibited.

## Project Findings and Conclusions

As set forth by the Judicial Council, the mission of Virginia's judicial system is:

**"To provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia Constitutions."**

The ability of the courts to provide effective access to justice, to afford a quality resolution of disputes, and to instill in the public confidence and respect for the courts is essential to achieving this overall mission. The performance of the pilot courts in better serving troubled families is analyzed relative to these themes. The report also addresses problems with the current court structure and procedures in family law cases which detract from accomplishing this mission.

### **Effective Access to Justice**

A judicial system which provides the opportunity to resolve disputes without undue hardship, cost, inconvenience or delay establishes the basis for effective access to justice by all persons. In practical terms for family law disputes, this means that a citizens's ability to gain access to the court is assisted by simple procedures; that the judges and other court personnel are courteous and responsive to the public; that legal services are available for the poor and those of modest means; that court fees for access to and participation in its proceedings are reasonable for the matter before the court; that the court has before it at the time the citizen appears all relevant issues requiring resolution; and that the responsibilities of the court are discharged in a timely and expeditious fashion.

- The procedures and structure of the court system that adjudicates family law cases need to be as simple as possible to be accessible to a broader range of the public and to accommodate litigants who use the courts without the benefit of legal counsel. The family courts were rated by the litigants as being the most user friendly when addressing sensitive family and child issues.

- The court system should seek to reduce the overall cost of litigation by making it easier to handle uncontested family matters, by providing uncomplicated procedures to handle simple family disputes, by establishing alternative methods for resolving appropriate cases, and by limiting the use of decisionmakers outside the court system which require litigants to pay additional legal costs.

- Families involved in a divorce suit are often also involved in one or more related cases before the juvenile court. In order to avoid fragmentation in the judicial system's resolution of multiple family problems, a comprehensive approach to family law cases must be developed.

- Limiting the length of time required to resolve emotionally charged family issues and bringing to a conclusion litigation which can have a detrimental impact on the children and adults involved is essential to the performance of a quality system of justice. The family courts were rated by the litigants most positively in all instances with regard to the timeliness of the conclusion of their divorce cases.

## **Quality Resolution of Disputes**

Resolving disputes is the basic function of a court system. The challenge is to perform this task in such a way as to resolve disputes fairly and with a high quality of justice. In order to accomplish this task, especially in the area of family law, the courts should seek to resolve disputes rather than simply decide cases. The expectations of a family bringing its legal problems to court include a judicial system which is sensitive to the psychological impact on the parties of the litigation; which consolidates all cases related to that family; which is fairly and professionally administered; which provides finality to the court's decisions; and which treats all similarly situated litigants uniformly. Integration of these principles in the court system's structure and procedures should contribute to the quality resolution of disputes.

- Judicial resolution of family disputes must be comprehensive, provided quickly and delivered with a degree of certainty that permits families to reestablish stability for their children. The family courts received the most positive ratings from the litigants on issues concerning the psychological impact of the proceedings on the family.

- Since at least 20% of divorces have other related cases in the juvenile court, the consolidation of all family matters is critical to the judicial system's ability to provide a quality resolution of family disputes. All facts germane to the family situation need to be available to the court and be presented by the lawyers, witnesses and parties without the necessity of duplicative proceedings. The goal should be to assure that the greatest possible amount of information is in the hands of the decisionmakers.

- In family disputes, when the focus should be on reorganizing the family unit and on reestablishing stability, especially when children are involved, the court system's procedures should provide the disputants a role in determining a mutually acceptable settlement of the issues in dispute.

- A court which uses only judges trained in family law and in the related aspects of family dysfunctioning will enhance professional excellence in decisionmaking and provide the highest quality resolution of disputes. Litigants expressed significantly greater satisfaction with the overall processing of their divorces in family court.

- Providing an appeal de novo in family law matters allows the adversarial process to protract already emotionally charged issues and to delay the restoration of the reorganized family unit. These cases should be tried on the record so that the litigants and their children can adjust their relationships and resume their lives without the fear of another court reordering the scheme of things.

## **Public Confidence and Respect for the Courts**

In order for the court system to fulfill its mission of preserving the rule of law, courts must maintain the respect, confidence and trust of the public. How well a court system performs in providing effective access to justice and a quality resolution of the disputes before it will determine whether the public has confidence and respect for the system. The deference accorded to courts stems not only from their actual performance, but also from how the public perceives

justice to be done. A court which offers effective, responsive and appropriate methods for resolving disputes, which functions fairly, and which demonstrates that its decisions have integrity will not only afford a quality resolution of disputes but will earn the trust and confidence of the public.

- Litigants in the family courts consistently rated their court experiences more positively on questions reflecting their satisfaction with the court process and their case results, their assessment of the quality of justice which they were afforded and on the psychological impact of the proceedings on themselves and, where applicable, their children.

- The family courts, in particular as they operated with the juvenile court judges, performed more satisfactorily and earned greater respect and confidence than the courts which traditionally adjudicate family law matters, according to the project participants.

- The pilot project findings suggest that in family law cases the public wants courts which provide courteous assistance to citizens using the courts; which affordably and efficiently process the cases before them; and which have judges who are trained in family law and sensitive to the psychological and emotional impact of the litigation they hear.

### Recommendations

Based on the project's findings and conclusions, recommendations are offered to improve the current methods of adjudicating child and family-related cases in Virginia. These recommendations are intended to be viewed as guiding principles which should be incorporated in the structure and procedures of Virginia's court system.

1. There should be one trial court which has comprehensive jurisdiction over child and family-related legal issues.
2. Wherever possible, the adversarial nature of our legal practices and procedures in the resolution of family law conflicts should be reduced. Litigants should have available dispute resolution methods which reduce hostility, address the underlying causes of the dispute, promote cooperation and communication, and restore a sense of control to the parties.
3. The use of commissioners in chancery in family law matters should be limited and ultimately abolished.
4. Trial court decisions in child and family-related cases should be appealed on the record as a matter of right to the Court of Appeals. The right of a trial de novo on appeal in such cases should be abolished.
5. A comprehensive court which adjudicates all family law cases should be easily accessible, affordable, user friendly and expeditious for all who desire and are required to use it.



6. The previous five recommendations should be implemented by transferring from the circuit court to the juvenile court jurisdiction over all family matters. This jurisdiction includes divorce, annulment or affirmation of a marriage, custody, visitation, support, determination of parentage, termination of parental rights, change of name, separate maintenance, adoptions, petitions regarding records of birth, and appointment and supervision of guardians of the person of a child. Appeals of these cases would be on the record to the Court of Appeals. Criminal jurisdiction (delinquency, adult criminal, traffic, etc.) would remain not of record, with appeals de novo to the circuit court. The juvenile and domestic relations district court would be renamed the Family Court.

### Implementation Plan

The Judicial Council proposes to implement the six recommendations arising out of the Family Court Pilot Project through a series of actions. These actions address revising the current court structure and its procedures; planning and providing for the necessary personnel and financial resources; and funding improved services for the families and children who come before the courts.

1. *Court Structure.* The principles of the Judicial Council's recommendations should be implemented by transferring from the circuit court to the juvenile court jurisdiction over family matters. The juvenile and domestic relations district court would be renamed the Family Court. Juvenile court judges and the clerks and personnel currently in the juvenile court clerks' offices would serve in the Family Court, after appropriate training to be provided by the Judicial Council of Virginia.

The Judicial Council will pursue amending the Rules of the Supreme Court of Virginia to provide for the appropriate conforming changes necessary to effect the Family Court.

2. *Personnel and Financial Resources.* The expanded jurisdiction of the new Family Court will require additional family court judgeships, clerks' office positions and mediators. A financial impact study conducted by the Office of the Executive Secretary of the Supreme Court shows that the required new resources would cost approximately \$7.5 million annually. It is proposed that revenue be generated to offset these costs by a \$3.00 increase in district court filing fees in civil cases and processing fees in traffic and criminal cases.

Several important assumptions were made in determining the estimated annual cost of the new family court system. No reduction in circuit court judgeships or in employees in the circuit court clerks' offices is proposed. The loss of the domestic relations workload will allow circuit court judges to return to a manageable caseload similar to that experienced ten years ago. It should also slow future growth of the need for new circuit court judgeships. Similarly, it has long been acknowledged that circuit court clerks' offices have been understaffed to handle their workload. Maintaining their current position levels will permit these clerks to more effectively process circuit court cases, provide better service to the public, and slow the need for new positions in the near future.

It is projected that approximately 25 new Family Court judges and 90 new court employees will be needed for the Family Court. Approximately 68 mediators will be required on a statewide basis to provide the capacity to have mediated any contested civil matter in the Family Court where the parties so agree.

3. *Timeframes for Legislative Action and Local Plans.* Legislation will be introduced in the 1993 Session of the General Assembly to implement the recommendations of this report with an effective date for the Family Court structure of January 1, 1995. To prepare for the statewide system of Family Courts, several steps should be taken.

During 1993, the Chief Circuit Court Judge and Chief Juvenile and Domestic Relations District Court Judge should be required to develop jointly a plan for establishing a Family Court in their circuit. This planning process should involve the Circuit Court Clerk, Juvenile Court Clerk and Court Service Unit Director, interested members of the local bar and others concerned with better court service to the community. This effort would be supported by the Office of the Executive Secretary. Each circuit's plan should address the need for new judges, court personnel, equipment and facilities and relevant issues in the transition to the new court. These individual implementation plans will provide a vehicle to ensure that all resource and procedural issues are covered.

These plans would be submitted to the Judicial Council during the fall of 1993. The Council would then make recommendations to the 1994 Session of the General Assembly based on the circuit plans and include relevant fiscal needs in the 1994-1996 budget for the judiciary. It is proposed that the previously referenced fee increases become effective July 1, 1994, to permit the funding of needed personnel and the provision of training during the first six months of the fiscal year. The new Family Court system would then be staffed and ready to operate fully on January 1, 1995.

## INTRODUCTION

For over forty years, the judicial and legislative branches of government have been concerned about the handling of family law matters in Virginia's courts and have debated whether a court which has jurisdiction over all family controversies would better serve our citizens. Numerous studies have been conducted by both the General Assembly and the Judicial Council of Virginia regarding the adjudication of family matters.

A 1982 issues survey conducted by the Office of the Executive Secretary of the Supreme Court of Virginia revealed that survey respondents ranked the creation of a family court system as the single change they would most like to see implemented within the judicial branch. Judicial Council of Virginia, The 1983-1986 Comprehensive Judicial Plan, 20 (1983). The Chief Justice of the Supreme Court of Virginia and the Judicial Council responded by establishing the Committee on Adjudication of Family Law Matters in 1983. This group catalogued the deficiencies and strengths of the current system in dealing with the adjudication of legal problems of families and ranked the deficiencies according to their severity. The Committee then considered a variety of alternative court designs and the capacity of the various designs to address the problem areas noted.

The Judicial Council acted upon the 1985 report of its Committee by authorizing statewide public hearings during 1986 on the report's findings and recommendations. The following year after considering the study report and the results of the public hearing process, the Judicial Council recommended the establishment of a family court pilot project. The purpose of the pilot project was to determine whether consolidating the jurisdiction of family law matters into one court would prove preferable to the present division of jurisdiction.

The 1989 Session of the General Assembly enacted legislation which directed that the Judicial Council establish an experimental family court program (Chapter 641, 1989 Acts of Assembly, contained in Appendix G of this report). Pilot courts began operating under the program January 1, 1990 and ceased to accept new family court cases as of December 31, 1991. The Judicial Council is charged by § 20-96.2 of the Code of Virginia with the responsibility of reporting "its findings concerning the impact of the experimental family court program on the Commonwealth's judicial system by December 31, 1992, to the Governor and General Assembly." This report by the Judicial Council fulfills this statutory mandate.

### Traditional Court Structure and Processes

The juvenile and domestic relations district court has jurisdiction over most child and family-related cases in Virginia. (See § 16.1-241, Code of Virginia.) This jurisdiction is concurrent with and not exclusive of the circuit courts in matters of child custody, visitation, support and termination of parental rights and responsibilities. All parties subject to a juvenile court order may appeal the decision to the circuit court. Cases appealed to the circuit court are heard de novo or from the beginning. An appeal de novo constitutes a second trial on the issues

before the court. The parties, the Commonwealth's Attorney or the circuit court judge may request a trial by jury in the circuit court. When hearing juvenile court cases on appeal, the circuit court has the same power and authority as the juvenile court.

The circuit court is the trial court of general jurisdiction in Virginia and has jurisdiction over suits for divorce, for affirmation or annulment of a marriage, separate maintenance, change of name and adoption. (See §§ 20-96, 8.01-217 and 63.1-221, Code of Virginia.) Under certain circumstances, when a suit for divorce has been filed in a circuit court in which custody, guardianship, visitation or support of the parties or spousal support is raised by the pleadings, the juvenile courts are divested of the right to enter any further decrees or orders. (See § 16.1-244, Code of Virginia.)

Circuit courts are authorized to refer suits for divorce to commissioners in chancery. (See § 8.01-609, Code of Virginia.) Commissioners are attorneys in private practice who are appointed by the court as quasi-judicial officials. They make written findings on the grounds for divorce and on child custody and support, property division and spousal support. Over three-quarters of the circuit courts in the Commonwealth use, to some degree, commissioners in chancery for divorce cases. General Information Relating to the Courts Within Each Circuit and District in Virginia 1991.

Jury trials are available in the circuit court in equity matters on a limited basis but are rarely used. (See § 8.01-336, Code of Virginia.) Appeals of domestic relations matters from the circuit court are taken to the Court of Appeals on the record as a matter of right.

#### Pilot Court Structure and Procedure

The enabling legislation for the Family Court Pilot Project placed jurisdiction and responsibility for child and family-related court issues in one court, a family court. The pilot family courts were authorized to hear not only all cases normally within the jurisdiction of the juvenile and domestic relations district courts but also suits for annulling or affirming a marriage and for divorce that were referred to them by the designated circuit courts. The designated circuit courts were required to refer to the family courts no less than 20% nor more than 50% of all suits for annulment or affirmation of a marriage and for divorce filed in the circuit court. With the addition of these three case types to the family court's jurisdiction, adoption is the only major traditional family law matter which was outside the family court's purview.

Either party to a divorce, annulment or affirmation suit filed in the circuit court had the right to object to the referral of the case to the family court. Upon the receipt of a written objection to the referral, the case was returned to the circuit court and handled according to traditional case processing methods. In the "Survey of Lawyers" found in Appendix C of this report, 25% of the total sample of lawyers surveyed reported that they had objected to at least one of their cases being referred to the family court, while 75% indicated they had never objected to a referral. Information gathered from the Family Court clerks indicates that the

number of objections by lawyers significantly decreased after the first few months of the two-year project.

The addition of divorce suits to the jurisdiction of the juvenile court which is traditionally charged with responsibility for child and family-related cases provided an opportunity to consolidate related family issues in the family court. The policies established by the Judicial Council for the Family Court Pilot Project specified that every effort should be made by the family court clerk's office and court service unit personnel to assure that all cases which concerned family members who were involved in divorce complaints be tried by the family court judge. The category of "related cases" comprises those matters in which a child or spouse who is involved in a divorce, custody, visitation, support or termination of parental rights case before the court is also involved in another child-related or family case in the court's jurisdiction. These related cases may involve custody, visitation or support, child in need of supervision/services, delinquency, spouse abuse, adult or juvenile intra-family criminal offenses and child abuse or neglect.

The jurisdiction over appeals of cases before the family court as established in § 17-116.05:5 of the Code addresses a major issue surrounding the handling of family law cases in Virginia. Final orders of the family court are appealed on the record to the Court of Appeals in any case involving a suit for annulling or affirming a marriage and for divorce, custody, visitation or civil support of a child, spousal support, and termination of residual parental rights and responsibilities as well as enforcement or modification of circuit court orders pursuant to § 20-79(c). This statute excludes the use of de novo appeals to the circuit court for the pilot family courts in these specified case types.

As required by law, the judges who served as family court judges were drawn from both the circuit court bench and the juvenile and domestic relations district court bench. They represented both urban and rural areas of the Commonwealth. One characteristic common to the judges who served on the family court bench is their special interest in child and family legal issues. The use of commissioners in chancery by the family courts was prohibited. The courts and judges who participated in the Family Court Pilot Project are described later in this report in "Background on the Participating Courts."

### Judicial Council Direction for the Project

In the spring of 1989, at the request of the Judicial Council of Virginia, the Chief Justice appointed the Family Court Pilot Project Advisory Committee to oversee the project and be responsible for an evaluation of the effort. The Honorable Robert W. Stewart, Judge, Norfolk Circuit Court, was designated chairman of the Committee. The group was comprised of judges and clerks from juvenile and domestic relations district courts and circuit courts, the Chief Judge of the Court of Appeals of Virginia, members of the Senate of Virginia and the House of Delegates, the Coordinator for Interagency Cooperation of the Department of Mental Health, Mental Retardation and Substance Abuse Services, a director of a juvenile court service unit,

and a law professor with expertise in the juvenile justice system who was project director of the Judicial Council's Committee on Adjudication of Family Law Matters.

During the course of the project, the Advisory Committee's work was delegated among four different subcommittees. The Subcommittee on Forms and Procedures chaired by the Honorable Roy B. Willett, Judge, Roanoke City Circuit Court, functioned during the summer and fall of 1989 to develop the new forms, policies and procedures which would be used by the family courts. The Subcommittee on Evaluation, chaired by the Honorable Frederick P. Aucamp, Judge, Virginia Beach Juvenile and Domestic Relations District Court, began working in the summer of 1989 to establish a plan for measuring the performance of the pilot and control courts and completed its tasks in the spring of 1992 by the submission to the Advisory Committee of a draft report evaluating the pilot project.

The task of the Subcommittee on Training was to develop a curriculum to be used in training the judges and court personnel who would serve in the control and pilot courts. This work was primarily accomplished by Professor Robert E. Shepherd, Jr., T.C. Williams School of Law of the University of Richmond. In preparation for the operation of the pilot family courts, a state conference was held in November, 1989, at which over one hundred judges, clerks and court service unit personnel were trained on the purpose of the project and the policies and procedures to govern the pilot courts. Subsequent to this state conference, local training sessions were held by the judges and clerks of the ten participating courts for members of their local bars to promote an understanding of the pilot project and a consistent philosophy and procedures for family law cases in the pilot courts.

In the summer of 1991 as the conclusion of the project on December 31 approached, the Subcommittee on Wrap-Up Procedures, chaired by Judge Roy B. Willett, was appointed. This group developed forms, policies and procedures to assist the judges, clerks and members of the bar in concluding cases in the family courts. This work was completed late in November of 1991. Lists of the membership of the Advisory Committee, of each of its Subcommittees and of the Project Staff can be found in Appendix G of this report.

During fiscal years 1990-1991 and 1991-1992, the Family Court Pilot Project was supported in part by funding from the Virginia Department of Criminal Justice Services through the Juvenile Justice and Delinquency Prevention Act. The first year grant funded the development of an evaluation plan for the pilot project in the amount of \$13,920. The second year grant provided \$37,562 to implement the evaluation plan. No funds were appropriated by the General Assembly for the establishment of the pilot courts or for their evaluation. The comprehensive assessment of the pilot and control courts' operations made by the Family Court Pilot Project Advisory Committee would not have been possible without the financial support of the Department of Criminal Justice Services.

The Committee was also ably supported in its work by assistance from staff of the National Center for State Courts and faculty at the University of Virginia and Virginia Commonwealth University.

The Family Court Advisory Committee submitted its final report to the Judicial Council on June 23, 1992. Shortly thereafter, nearly 1000 copies of the Committee's report were distributed throughout the Commonwealth to all judges and clerks, the presidents of all local bar associations, other interested members of the bar, child and family advocacy groups and any other state, local and private organization officials who could be identified as interested in the project's results. Comments on the report were solicited by the Chief Justice of Virginia in an accompanying letter through September 1, 1992. Numerous bar, judicial and other interested organizations endorsed the report and its recommendations during this comment period. The comments received during this period as well as the report and its recommendations were carefully considered by the Judicial Council.

On November 16 and 17, 1992, a Symposium on Children, Families and the Courts was held in Richmond. Among the participants were representatives of child and family interest groups, lawyers noted for their work in family law, local government officials, members of the General Assembly and the judiciary. The purpose of the Symposium was to: (1) present the needs of children and families in crisis as they relate to the court system; (2) set forth the problems the courts currently face in providing effective service to families; (3) discuss with the participants the findings and recommendations arising out of the experimental family court pilot program authorized by the General Assembly of Virginia; and, (4) to develop strategies for implementing the changes necessary to provide a court system more capable of serving the needs of children and families. The Symposium participants indicated general support for the concept of a family court at the conclusion of the two-day meeting.

## THE EVALUATION PROCESS

Integral to the implementation of the pilot family courts was the design of an evaluation process to measure their performance and that of the control courts. With the establishment of the pilot project, Virginia is poised to make major policy decisions about how the courts will respond to family disputes in the future. An adequate basis of information had to be developed from which conclusions about the pilot and control courts' two-year operations could be reached. The evaluation process was designed to be objective, credible and inclusive of all viewpoints involved in the project.

To attain the goal of accurately and fairly communicating the results of the project, several activities were undertaken. The first step was to determine the nature of the information which needed to be collected during the operation of the pilot courts; the relevance of the information to the problems being addressed in the current court structure and process; and the appropriate sources from whom this information should be sought. The next step was to design the necessary data collection instruments and the procedures for disseminating, completing and returning the instruments for analysis.

### Data Sheets

The Subcommittee on Evaluation of the Family Court Advisory Committee, chaired by Judge Frederick P. Aucamp, began this work in the summer of 1989. The first task it completed as part of the evaluating process was to develop a data sheet to be used in collecting information through the courts on every designated case type tried in the pilot and control courts. The assistance in this effort of Dr. Victor E. Flango at the National Center for State Courts was invaluable. The use of this data sheet began with the inception of the pilot project on January 1, 1990 and forms the foundation of much of the pilot project analysis. A detailed accounting of the data sheet findings as well as a copy of the data sheet can be found in Appendix A to this report.

### Surveys

Survey instruments were also designed to assess the impact of the pilot court system on the project participants: litigants, lawyers, judges, court clerks, and juvenile court service unit directors. Included in each of the surveys were inquiries intended to determine whether the pilot process had solved or ameliorated the problems in the present system and whether, in the opinion of the respondents, the pilot courts had been administratively efficient. The Subcommittee was assisted in this work by Dr. Flango from the National Center for State Courts, Dr. Robert E. Emery from the Department of Psychology at the University of Virginia and Dr. Arnold L. Stolberg from the Department of Psychology at Virginia Commonwealth University. Each of these professionals fully participated in the Subcommittee's deliberations and ultimately prepared papers which analyzed the data collected on the data sheets or the



surveys of the project participants to whom they were assigned. Their work and copies of each of the relevant surveys can be found in Appendices A, B, and C to this report.

Because of its complexity and extensiveness, the work associated with the survey of litigants bears special mention. This survey instrument was designed by the Subcommittee on Evaluation to collect demographic data about the litigants; to assess their satisfaction with the legal process, judges and court personnel; and to gauge the psychological impact on their families of their involvement with the courts. A large sample of litigants was needed to fairly represent each of the twenty-two participating courts and the four case types (divorce, custody, visitation and support) from which litigants would be selected. To achieve better results with this aspect of the evaluation process, a test of the litigant survey was conducted in four pilot courts to determine the validity of the survey format, its content and the best procedures for survey distribution and collection. During November of 1990, 700 surveys were mailed to litigants in Albemarle, Chesapeake, Fairfax and Lynchburg. The responses and the experience of this test survey process provided useful information in the revision of the survey instrument and in refining dissemination and collection procedures. Nearly 9,000 litigant surveys were mailed during 1991 to litigants who had been before the pilot family courts and the control courts. The response rate, discounting the undelivered surveys, was 33%. These litigants were randomly selected from the participating courts based on the court and case type information taken from the data sheets. The number of litigants selected to be surveyed for each of the case types was based upon their overall frequency in the total sample. The findings of the survey of litigants and a copy of the survey instrument can be found in Appendix B.

The surveys of the other project participants involved smaller numbers and more easily identifiable individuals. Lawyers who practice family law in the pilot and control courts, nearly 1,000 members of the bar, were identified by the local clerks of court and mailed surveys. Fifty percent of the lawyers returned completed surveys. All of the 60 full-time and substitute judges who sat in the pilot and control courts were given the opportunity in a survey to express their views about the pilot project. The findings of these survey efforts and copies of the surveys can be found in Appendix C, Lawyers, and Appendix D, Judges, in this report.

During the two-year project, annual meetings were held with the family court clerks to keep them apprised of the project's operations and the evaluation effort. The clerks were an integral part of the data collection effort, and without their support the evaluation could not have been completed. Each of the 22 participating circuit and family court clerks received a survey. A summary of their opinions on the project and a copy of the survey can be found in Appendix E in this report.

The final survey instrument that was developed was mailed to the 10 participating juvenile court service unit directors who supported the pilot family courts. Appendix F in this report contains a summary of their responses and a copy of the survey.

## Interviews

In addition to the comprehensive survey of all participating judges, interviews were conducted with each of the 18 full-time judges who sat in the pilot family courts as family court judges designated by the Judicial Council. The interview process permitted a more in-depth discussion with these judges of the merits of the family court concept and its demonstration by the pilot courts. The results of these interviews are summarized in Appendix D to this report. A meeting was also held with all of the family court judges during August, 1991, to discuss the operation of the pilot courts and their collective experiences with the experimental effort.

## Additional Activities

Two additional activities were undertaken late in 1991 to gather data on issues critical to the project evaluation. Determining whether families involved in divorce are also involved in other disputes before the juvenile court was one of the principal inquiries of the Family Court Pilot Project. To effectively address this issue in this report, additional research was undertaken in each of the ten family courts. A detailed review of a sample of 802 divorces finalized during the pilot project was conducted to identify related cases of custody, visitation, support, child in need of supervision/services, delinquency, spouse abuse, adult or juvenile intra-family criminal offenses and child abuse or neglect. This work was completed in January, 1992. The findings of this research effort are discussed later in this report and in Appendix A.

The impact on litigants of pursuing a de novo appeal in the circuit court after obtaining a juvenile court ruling with which they are not satisfied is another issue of importance in the pilot project. De novo appeals were not permitted in the pilot family courts in the covered case types. To obtain information on the impact of de novo appeals, a survey instrument designed to compare litigant experiences in the control juvenile courts and the control circuit courts was sent to 250 litigants involved in appeals of custody, visitation and support cases in Mecklenburg, Roanoke City, Roanoke County and Smyth Juvenile Courts. The results of this survey effort are discussed in the "Survey of Litigants" in Appendix B.

Numerous meetings were held by the Subcommittee on Evaluation between the summer of 1989 and the spring of 1992 to design and implement the evaluation process and to analyze the extensive information collected on the cases, the litigants and other participants involved in the project. Special appreciation is extended to the members of this Subcommittee and to the consultants, Dr. Robert E. Emery, Dr. Victor E. Flango and Dr. Arnold L. Stolberg, who donated their time to the project. The comprehensiveness of the data collection effort and the careful examination of the gathered data would not have been possible without this group's guidance and support.

## BACKGROUND ON THE PARTICIPATING COURTS

### Selection of the Courts

The localities which participated in the pilot project were selected by the Family Court Advisory Committee and confirmed by the Virginia Judicial Council. These selections were based on letters from the local judges of the juvenile and domestic relations district court and the circuit court who volunteered their participation. In a few cases, requests to participate were withdrawn when it was determined there would be no additional staff or funds to support the pilot effort. While the enabling legislation requires only four pilot courts, it was decided to include all eligible volunteer localities to allow for a broader-based evaluation of the pilot project.

Section 20-96.1 of the Code of Virginia requires that the Judicial Council "designate the circuit court and the juvenile and domestic relations district court within the same city or county in at least two urban locations and the circuit court and juvenile and domestic relations district court within the same city or county in at least two rural locations." This section also requires that the Judicial Council designate the judges who shall sit as family court judges. It is required that such designations include at least one juvenile judge from an urban jurisdiction; at least one juvenile judge from a rural jurisdiction; at least one circuit judge from an urban jurisdiction; and at least one circuit judge from a rural jurisdiction.

The Judicial Council also was required by § 20-96.2 of the Code to designate two additional circuit courts, one urban and one rural, which could serve as control courts for purposes of evaluating the project.

To fulfill these statutory requirements, the localities and courts listed in the following chart were chosen for the project.

**Courts Participating in Pilot Project**

Pilot		Control	
Juvenile Court	Circuit Court	Juvenile Court	Circuit Court
Urban		Urban	
Alexandria Fairfax Chesapeake	Roanoke City Roanoke County	Roanoke City Roanoke County	Arlington Alexandria Fairfax Chesapeake Roanoke City Roanoke County
Rural		Rural	
Lynchburg Loudoun Albemarle	Mecklenburg Smyth	Mecklenburg Smyth	Pulaski Lynchburg Loudoun Albemarle Mecklenburg Smyth

**Pilot Courts**

The portion of the chart labelled "Pilot" indicates that there were six localities (Alexandria, Fairfax, Chesapeake, Lynchburg, Loudoun and Albemarle) where the juvenile court judge or judges sat as family court judges. All cases originating in these six courts involving custody, visitation, support, termination of parental rights, § 20-79(c) enforcement or modification, as well as divorce suits referred from the circuit court were heard as family court matters. Appeals of decisions of the family court judge on any of these cases were made on the record to the Court of Appeals. These family court judges continued to hear all other cases normally within the juvenile court's jurisdiction.

Also listed under the "Pilot" heading on the chart are four localities (Roanoke City, Roanoke County, Mecklenburg and Smyth) where the circuit court judge or judges sat as family court judges. (It should also be noted that effective August 1, 1990, Judge E. Preston Grissom was appointed to the Chesapeake Circuit Court after having been a juvenile court judge designated to serve on the Chesapeake Family Court. Judge Grissom continued to serve as a family court judge from the circuit court, thus making Chesapeake a "blended" court with juvenile and circuit court pilot characteristics. To simplify the evaluation process, however, Chesapeake is counted only as a juvenile court pilot.)

In these four pilot circuit courts, the circuit court judges designated as family court judges heard divorces referred to the family court from the circuit court. In addition, they heard all other family matters related to a referred divorce action which were filed with the juvenile court; which involved custody, visitation and support; and which were not addressed in the divorce bill of complaint. Finally, these judges heard other family matters related to the parties and their children in the referred divorce action. These matters were filed in the juvenile court and involved delinquency, child in need of services, child abuse, spouse abuse and other similar matters. These cases involving spouses, parents and children who are also before the court in a divorce action are referred to as "related cases" in this report.

### Control Courts

Control courts are those courts in which traditional case processing methods were used to handle cases normally within the courts' jurisdiction. In these courts, information was collected on cases which were of the same case type as those heard in the family court. This provided a way to compare cases tried under normal circumstances with the pilot court processes.

Each of the courts which participated as a pilot court also served as a control court. Thus, under the "Control" heading on the chart, the Juvenile Courts in Roanoke City, Roanoke County, Mecklenburg and Smyth provided information on all custody, visitation, support and termination of parental cases which were heard by the juvenile court judges and which were not tried by the family court judge designated from the circuit court. This information provided a means of comparing pilot family court processes with traditional juvenile court case processing.

As previously stated, § 20-96.2 of the Code requires the designation of two control circuit courts, one urban and one rural. The circuit courts in Arlington and Pulaski agreed to accept this responsibility. To provide additional comparative information on the processing of divorces for the evaluation process, however, each of the pilot localities also served as a control circuit court. Information was obtained on all divorces filed in these ten localities which were not referred to the family court. Consequently, there are twelve localities listed as control circuit courts on the chart.

### Particular Local Features

The localities on the chart are characterized as urban or rural in compliance with the pilot's statutory mandate. It is recognized that the pilot juvenile court sites designated as rural and the pilot circuit court sites designated as urban do not necessarily fit traditional rural/urban labels. These were the courts that agreed to take on the additional workload of the Family Court Pilot Project and most closely conformed to the required local features.

In selecting the courts to participate in the project, the method of handling divorces by the local bar and the courts was also considered. Section 20-96.1D prohibits the use of commissioners in chancery in the family court for referred divorce cases. A balance of courts

was sought which traditionally refer divorce actions to commissioners and those which do not. In the courts participating in the project, commissioners in chancery are regularly employed to hear divorce matters in Alexandria, Arlington, Chesapeake and Fairfax. There were no rural areas which participated in the project where commissioners were frequently used.

When commissioners are not used, the practice of a court in handling divorces on depositions as opposed to ore tenus hearings also was reviewed. The full-time judges who sat in the pilot courts during the project reported in their interviews on the percentage of their divorce cases which were handled by deposition and those handled with ore tenus hearings. The judges from the juvenile court pilots were evenly split in their responses: five judges reported they usually used depositions; five usually used ore tenus hearings; and one employed both methods equally. Four of the judges from the circuit court pilots generally used depositions; one usually used ore tenus hearings; and two used a combination of these methods. Three of these circuit court pilot judges indicated that contested issues are routinely handled with ore tenus hearings. (See "Interviews of Family Court Judges" in Appendix D of this report, Attachment D.4, question 13.)

The Family Court Advisory Committee believes that the localities and courts which participated in the pilot project fairly represent the different areas of the Commonwealth and the various methods for handling divorce suits in the courts.

#### Requirement for Circuit Court Pilots

The enabling legislation for this pilot project requires the designation of circuit court judges as well as juvenile court judges for the pilot courts (§ 20-96.1, Code of Virginia). The circuit court judges who served in this capacity in Mecklenburg, Roanoke City, Roanoke County and Smyth and the clerks of both the circuit courts and the juvenile courts in these localities who administratively supported the pilot project performed their responsibilities admirably. It must be reported, however, that this circuit court participation in the project as pilot family courts has not significantly contributed to an understanding of how to better handle family law controversies in the courts.

The divorce complaints heard by the circuit court judges sitting as family court judges would have been heard by the same judges under the same procedures if they had not been referred to the family court. Indeed, these referrals of divorces often resulted in confusion for the lawyers who did not know which title the judge was assuming for the case under review: circuit court judge or family court judge who also is a circuit court judge. In addition, many lawyers felt inconvenienced by the administrative processes of the circuit court pilots, since family court cases were processed by the juvenile court clerk who served as family court clerk.

While circuit court pilot judges heard, in addition to the referred divorces, cases involving the family in the divorce such as custody, visitation and support not addressed in the divorce bill of complaint and delinquency, spouse abuse and other similar matters, there were very few of these cases identified. Consequently, the participating circuit court judges and the

members of the bar in these pilot areas were frequently ambivalent or negative about the pilot's effect on improving the handling of family law disputes. Three of the seven circuit court judges who sat in the family court volunteered in their interviews their opinion that the circuit court judges should not have been a part of the pilot project. (See "Interviews of family court Judges" in Appendix D, Attachment D.4, question 22.) The preference of lawyers who practiced in the circuit pilots for the creation of a family court was clearly influenced in a negative way by the project's statutory requirements. (See "Survey of Lawyers" in Appendix C.)

This aspect of the pilot project should be kept in mind when considering, in the remainder of the report, the differences in experiences and opinions of the litigants, lawyers, judges, and clerks in the circuit court pilots as compared with those in the juvenile court pilots.

## **CASE AND DEMOGRAPHIC CHARACTERISTICS OF COURT LITIGANTS**

Extensive information has been collected on the cases and parties involved in family law matters in the pilot and control courts for the period January 1, 1990 through March 1, 1992. In the appendices to this report is a paper entitled "Case and Demographic Characteristics of Court Litigants" which reviews in detail the findings from the data collection effort. It also includes a sample data sheet used by the courts to collect the data and a detailed summary of the data sheet information in 17 tables and one figure. (See Appendix A, Attachment A.1 and A.2.) A total of 35,798 data sheets was collected during the project. The analysis included in this report is based on a sample of 22,903 data sheets. One data sheet represents one case in a pilot or control court.

### **General Case Types**

The case types covered in the pilot project and reported on in the data sheets include most cases involving the family: custody, visitation, child support, spousal support, termination of parental rights, child in need of services/supervision, delinquency, spouse abuse, criminal offenses between spouses, and child abuse or neglect. Also included were divorce and affirmation or annulment of marriage. (In the entire sample of 22,903 analyzed cases, there were only 20 reported cases of affirmation or annulment of marriage. This category of cases, therefore, is not analyzed separately in this report.) These case types and the eight different categories of courts which participated in the project serve as the basis for characterizing the court litigants. (See Table 2 in Appendix A, Attachment A.2.)

Table 2 indicates that approximately 45% of the juvenile court cases evaluated in the project, regardless of whether such courts served as family courts or control courts, were custody cases. Another 37% were child support cases. Divorces referred to the juvenile courts serving as family courts comprised only a small proportion of their caseload: 11.1% in urban areas and 6.1% in rural areas. Divorce was the only major family law case heard by the circuit courts and analyzed by the project. Cases filed in the circuit court after the entry of a final divorce decree which were related to that final divorce order are not included in the project statistics or in this analysis.

The bottom section of Table 2 shows the number of cases involving a child or spouse who is also involved in a divorce, custody, visitation, support or termination of parental rights matter otherwise before the court. These "related cases" include children in need of supervision/services, delinquency, spouse abuse, criminal offenses between spouses and child/abuse neglect.

Table 2 is useful in portraying the types of cases heard by the courts which participated in the project. This data also served another significant purpose. The accumulated court type and case type information was critical for providing the foundation for the random, yet balanced, selection of litigants to participate in the litigant survey. The number of litigants selected to be



surveyed for each of the case types was determined based upon their overall frequency in the total sample.

In summary, the large majority of the juvenile court cases, both pilot and control, evaluated by the pilot project was comprised of custody and child support matters. The only major family law cases heard by the pilot and control circuit courts were divorce complaints.

### Related Cases

#### A. Analysis by Case Type

The category of "related cases" comprises those matters in which a child or spouse who is involved in a divorce, custody, visitation, support or termination of parental rights case before the court is also involved in another child-related or family case in the court's jurisdiction. These related cases may involve custody, visitation or support, child in need of supervision/services, delinquency, spouse abuse, adult or juvenile intra-family criminal offenses and child abuse or neglect.

As can be seen from Table 2, the percentage of related cases accounted for through the data sheet collection effort is less than one percent of the total. Data sheets were completed on related cases only if these cases were pending during the time period for which the cases in the top section of Table 2 were active. Thus, the timeframe for capturing such cases was small, usually a matter of a few months.

To more properly evaluate this aspect of the court caseload, a supplemental research effort was undertaken by the pilot courts. A sample related cases worksheet used by the pilot courts to collect this information can be found in Appendix A, Attachment A.1. A random sample of 802 divorces finalized in the pilot courts was reviewed to determine the number of related cases associated with those divorces for the time period January 1, 1988 through December 31, 1991. Information was compiled on related cases initiated before, during and after the sample divorces were filed. The results of this survey give a strikingly different picture from that obtained in the original analysis of related cases based on the data sheets. It can be assumed that if the timeframe for collecting related case information were expanded even further, a larger number of cases could be identified.

As shown on Table 3, of the 802 divorce cases in the supplemental survey, 160 or 20% had one or more related cases. Of note is the fact that rural juvenile and circuit pilot courts had greater percentages of related cases, 22% and 25% respectively, than did their urban counterparts with 19% and 14%. Table 3 also illustrates the number of related cases associated with each divorce case, their case type and whether the related case was filed before or after the divorce was filed. There was a total of 634 related cases associated with the 160 divorce suits. These 634 related cases involved a total of 1,320 hearings.

One has a better picture of the magnitude of the number of related cases when the results from the sample courts are projected for the Commonwealth as a whole. Of the 33,940 divorce cases reported in 1991 in the State of the Judiciary Report approximately 6,771 of these divorces would have had related cases associated with them. These 6,771 divorces would have resulted in an estimated 26,830 related cases and 55,861 hearings.

These statistics also demonstrate that a divorce filing does not end contact with the courts: 164 cases occurred after the divorce was filed which represented 26% of the total related cases. As shown in Table 3, there were 470 cases out of a total of 634 related cases or 73% which were heard prior to the divorce being filed.

The large majority of related cases (72%) were in three particular categories: custody (169 cases), child support (153 cases), and adult intra-family criminal offenses (133 cases). The relationship of having children to the frequency of related cases was also analyzed. Only 7% of divorces without children, 30 cases in the sample, had related cases as compared to 34% of those with children. There were 130 cases of divorce including children which also involved a total of 571 related cases and 1,189 hearings. As with the overall sample, custody (167 cases), child support (146 cases), and adult intra-family crimes (103 cases), formed the bulk of the case total (73%). (See Tables 4 and 5.)

#### B. Analysis by Number and Age of Children

A further analysis of the related case data was undertaken of the number and age of the children involved in the related cases. One child may be associated with several different types of related cases, such as a combination of custody, visitation and child support. Table 5A shows that from the 130 divorces involving children, 221 children were affected by related cases. Young children between 0 and 12 years of age comprise the majority (71%) of the children in these related cases. Children between 13 and 17 years of age represent 18% of the young people in the sample; the remainder of the sample (11%) is comprised of those 18 years and older.

When the foregoing findings are projected on a statewide basis, it is estimated that the 33,940 divorce cases reported in 1991 would have included approximately 5,498 divorces involving children with related cases affecting 9,353 children.

#### C. Additional Analyses by Lynchburg and Chesapeake

Additional analyses of related caseload volumes were undertaken independently by two pilot localities. The timeframe for researching the related cases associated with the divorces was substantially the same as that used in the pilot supplemental survey. In Lynchburg, similar information to that collected in the pilot supplemental survey was gathered and analyzed for all divorces filed in the Lynchburg Circuit Court for 1990 and 1991. Of 554 divorce files reviewed in Lynchburg, 175 divorces or 31.6% had related cases. This compares with 20% of the divorces reviewed in the overall pilot supplemental survey. There were a total of 671 related

cases in the juvenile court or family court associated with the 175 divorce suits. Data on the number of hearings associated with these cases was not collected.

As was found in the supplemental survey for all pilot courts, the majority of cases in Lynchburg (64%) were in three particular categories: custody (140 cases), child support (172 cases), and adult intra-family criminal cases (115 cases). It should also be noted, however, that visitation (79 cases), spousal support (85 cases), delinquency (40 cases), and spouse abuse (40 cases) accounted for significant numbers of cases (36%).

There were 210 divorces in the 554 divorce files reviewed in Lynchburg which involved children or 38% of the total cases. This compares with 34% in the pilot supplemental survey. These 210 divorce cases accounted for 499 of the identified related cases or 74% of the total related cases.

In Chesapeake, an analysis was completed of all divorce cases filed in the Circuit Court of Chesapeake and not referred to the family court for the period September 1, 1991 through December 31, 1991. Of the 173 divorce cases filed for this period, 57 or 33% had related cases in the Family Court.

Chesapeake also analyzed as a group the 19 divorce cases referred to its family court for which objections to the referral were filed. These cases thus remained in the circuit court. It was determined that 10 of these 19 cases were related to cases in the family court.

Significantly higher percentages of related cases were found in the Lynchburg (31.6%) and Chesapeake (33%) divorce caseload analyses as compared with the pilot supplemental survey (20%). It is believed, therefore, that the pilot survey finding of 20% is a conservative estimate of the number of family and child cases associated with divorce actions.

#### **D. Summary of Related Case Findings**

It is conservatively estimated that at least 20% of divorces in the Commonwealth have some other court action associated with the family prior to or after the filing of the divorce. The significant majority (72%) of related cases fall within the categories of custody, child support and adult intra-family criminal offenses. Divorcing couples with children are nearly five times more likely to be in court on a related case than those without children. Finally, the majority of children involved in related cases are very young, between 0 and 12 years of age.

## Litigant Characteristics

In order to provide an affordable, accessible, and usable forum for the resolution of family law disputes, it is necessary to understand who comes to the judicial system seeking this help. The characteristics of litigants involved in the reported cases in the pilot and control courts are set out in Tables 6 through 14 in Appendix A, Attachment A.2, for six different features.

### A. Person Who Initiates the Petition or Complaint

The "mother/wife" is the petitioner/complainant in approximately 60% of the cases in circuit courts. Table 6 shows that the proportion does not vary much between pilot and control circuit courts or between rural and urban circuit courts. In this sample, these cases represent almost exclusively divorce cases. "Husbands/fathers" initiated about 40% of the divorce petitions in circuit court.

In juvenile courts, when all types of cases are considered, the proportion of cases initiated by mothers/wives more nearly approximates 50%. In this court system, agencies, primarily child support agencies, are also involved in domestic disputes. Of the 6,555 child support cases involved in the sample, 40% (3,799) were initiated by a child support enforcement agency and about 42% (2,756) were initiated by a mother. Since child support agencies generally represent the mother in support cases, it can be concluded that, as in the circuit court in cases of divorce, women are also the major complainant in juvenile court cases. Fathers initiated court action in 17% to 25% of the cases in juvenile court. Other family members initiated about 10% of the juvenile court petitions.

These statistics are compatible with an analysis of emerging issues and trends contained in The Report of the Commission on the Future of Virginia's Judicial System. That report states on page 8 under the heading "Changing Family Structure":

The entry of growing numbers of women into the work force is a trend with a profound social impact. In 1960, just over a third of Virginia's women aged sixteen and above were in the work force. However, by 2000, that number will rise to seven of ten, nearly the same as the proportion for men. The proportion of women with young children who work -- now almost six in ten -- will continue to increase. The workplace also will undergo a major change as only 15% of new entrants to the labor force in the year 2000 will be white males.

High divorce rates, dual income families and more poor, female-headed households are factors that will position more American families as users -- rather than providers -- of support services. Changing social values also have resulted in 22% of all births in the U.S. to unmarried women, and as many as 60% of all births in many inner cities. The majority of these women and children historically comprise the long-term poor and dysfunctional families that face

almost impenetrable barriers to economic progress. By the year 2000, 1 out of 4 Virginia households will be headed by females.

#### **B. Race or Ethnicity of Litigants**

Approximately one-third of the litigants involved in disputes before the pilot and control juvenile courts are African-American, in contrast to about 10% of the parties to divorce suits brought in the circuit courts. (See Table 7) When the race/ethnicity characteristics of litigants who appear in either the pilot juvenile court or the pilot or control circuit court are considered for divorce cases only, however, the proportion of African-Americans appearing in pilot juvenile courts is similar to those in circuit courts. (See Table 8.) The disproportionately large percentage of cases in the pilot juvenile courts involving African-Americans may be the result of the wider jurisdiction over family matters of the juvenile court.

#### **C. Income**

Information about the income of the mother/wife and father/husband was included as part of the data collection effort. Unfortunately, litigants and frequently their lawyers were reluctant to report this information even in general categories, possibly because they were concerned that disclosure of this information could affect the outcome of their case. In addition, the court clerks who completed the data sheets often did not know the litigants' income levels. In some types of courts, as shown on Table 9, as many as half of the litigants are not accounted for in the income levels. It is not possible to conclude that those litigants who are accounted for are representative of all of the litigants surveyed. Therefore, it is difficult to draw definitive conclusions from the information that was collected.

Table 9 could be interpreted to imply that people who use the juvenile courts are poorer than those who use the circuit courts. Except for the control juvenile courts, Table 9 shows that mothers' incomes under \$9,999 are more prevalent in rural localities than in urban locations. The same table shows that most male litigants for whom income figures are provided have incomes between \$10,000 and \$24,000. The figures further show that greater percentages of female litigants have incomes of less than \$10,000 than do their male counterparts. When only divorce cases are considered, the percentage of unreported income decreases slightly, and the income of families in the family court more closely resembles the income of litigants in circuit court. (See Table 10.)

#### **D. Primary Language**

English was reported as the primary language for over 90% of the litigants for whom this data was recorded. Table 11 also shows that the proportion of Spanish-speaking litigants in the sample was very small except in the pilot juvenile courts and control circuit courts in urban areas, primarily in Northern Virginia.

#### **E. Number of Children Involved**

Analyses were conducted of the cases in the pilot and control courts as to whether children were involved in the matter before the court. As would be expected, 93% of the entire sample of pilot and control juvenile court cases, whether divorce or otherwise, involved litigants with one or more children. (See Table 12.)

When only divorce cases are considered, this percentage decreases significantly. In the pilot and control circuit courts, children were involved in 43% of the divorce cases. In the pilot juvenile courts, 38% of the divorce cases were reported to have litigants with one or more children. Both of these percentages may under report the number of children born to couples, because divorcing couples with grown children may report no children involved.

#### **F. Representation by Counsel**

In over 90% of the cases in both the control and pilot circuit courts, one or both of the litigants was represented by counsel. Considerably less than 10% of these litigants were not represented by a lawyer. (See Table 13.) This is contrasted with the juvenile courts where the urban and rural pilot courts had 42.5% and 44.3% of the cases where neither party was represented by counsel. The control juvenile courts, where no divorces were handled, showed an even higher percentage of cases where counsel was absent: 73% for urban and 51.2% for rural.

This same data was analyzed for only those litigants involved in divorce suits. Table 14 shows that people who initiate divorce suits are very likely to be represented by counsel, regardless of where the case is filed. In over 90% of the cases, one or both litigants are represented by counsel.

One conclusion that can be reached from this information is that the nature of the suit determines whether or not a litigant is represented by counsel, not the type of court in which the case is filed.

## **PROJECT FINDINGS AND CONCLUSIONS**

As set forth by the Judicial Council, the mission of the Virginia judicial system is:

To provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia Constitutions.

A prime objective of this pilot project has been to determine if a more accessible and responsive forum for the just resolution of family law disputes would result from placing the jurisdiction and responsibility for family and child-related court issues in one court, a family court.

In order to assess whether the performance of the pilot courts accomplished this objective, it is necessary to identify standards to measure their performance. The presentation of the extensive data collected during the course of the pilot project will be guided by three themes, each of which embodies performance standards for a responsive, effective court system. The ability of the courts to provide effective access to justice, to afford a quality resolution of disputes, and to instill in the public confidence and respect for the courts is essential to achieve the overall mission of the judicial system. Thus, the performance of the pilot courts in better serving troubled families will be analyzed relative to these themes.

Just as with the mission of the judicial system stated above, these themes have been drawn from and are supported by The Report of the Commission on the Future of Virginia's Judicial System. Also established in the Commission report is a desired direction or vision for the justice system which promotes the successful fulfillment of this mission. It is the principles inherent in this vision for the future which will assist in the interpretation of the project's findings.

Integral to the design of the project evaluation and thus to a report on its conclusions is the identification of the problems in the present system for adjudicating family law matters and a determination as to whether these problems were solved or ameliorated by the pilot process. These problems were enumerated in a 1985 report by the Judicial Council on the Adjudication of Family Law Matters in Virginia's Courts. Within the context of the guiding themes, each of these problems will be examined as it relates to the performance of the pilot courts.

### **Effective Access to Justice**

A judicial system which provides the opportunity to resolve disputes without undue hardship, cost, inconvenience or delay establishes the basis for effective access to justice by all persons. In practical terms for family law disputes, this means that a citizen's ability to gain access to the court is assisted by simple procedures; that the judges and other court personnel are courteous and responsive to the public; that legal services are available for the poor and those of modest means; that court fees for access to and participation in its proceedings are

reasonable for the matter before the court; that the court has before it at the time the citizen appears all relevant issues requiring resolution; and that the responsibilities of the court are discharged in a timely and expeditious fashion.

### Problems in the Present System

Barriers to effective access to justice by family law litigants were evaluated by the pilot project. Two of these barriers were identified in the previously referenced 1985 report by the Judicial Council. First is the proposition that Virginia's two-tier adjudicatory system in family law matters creates hardships, inconvenience and inefficiencies when multiple problems within the same family are allocated to different courts for resolution. The result is often poor communication and coordination between the courts and the family. The family may be offered conflicting solutions to the same or similar problems, and problems may fall into the crack created by the division of jurisdiction. This lack of a comprehensive approach to family issues is seen by some as a major weakness of Virginia's judicial system.

A second barrier to access to justice inherent in the present system is the delay in docketing and trying cases in the circuit court as opposed to the juvenile court. This has been identified as a particularly critical problem when confronted with the family emergencies presented by child custody and nonsupport cases.

Through the evaluation process, the pilot project sought to determine how the pilot family courts and their methods of case processing compared with traditional juvenile and circuit courts and their procedures in eliminating unnecessary or inappropriate barriers to service for family law litigants. Thus, effective access to justice can be measured by whether the public is able to effectively participate in the court system, how affordable the costs of access to the system are, whether related family matters are consolidated for the court's consideration, and the timeliness of case processing.

### Effective Public Participation

Who are the citizens who use the courts to adjudicate their family disputes and for whom issues of effective access are particularly relevant? For purposes of the pilot family court project, the characteristics of these individuals were determined by both the data sheet collection process described in the report "Case and Demographic Characteristics of Court Litigants" and in the "Survey of Litigants." (See Appendices A and B.) When agencies are excluded as petitioners, at least sixty percent of the petitioners in family cases in all of the participating project courts were women. Even though the data is limited, it shows that the majority of these women have incomes of less than \$ 24,000 per year, and many had incomes of less than \$10,000 per year. Furthermore, more than fifty percent of the litigants represented in the litigant survey have a high school education or less.

The majority of the family law matters adjudicated by the juvenile courts, as analyzed by the pilot project, were custody cases (45%) and child support cases (37%). Yet, in these



support cases, forty percent were initiated by a child support enforcement agency not by the mother or father requiring the support. In order to gain entry to the court system, these litigants used the assistance of a third party.

In 42% of all the juvenile court cases analyzed by the project, neither party was represented by a lawyer. Thus, the knowledge or lack of knowledge of these unrepresented individuals can be a barrier to their effective use of court services. Even though one or both litigants were represented by counsel in 90% of the divorce cases tried by the pilot and control courts, psychological barriers to effective participation can be created by mysterious, unduly complicated and intimidating court procedures.

The importance of effective public participation is illustrated by the comments in one litigant survey of a woman who was involved in a divorce in an urban control circuit court: *"Legal procedures are confusing to most people. After my experiences surrounding my divorce I tend to be skeptical. My request to read what the court reporter wrote met with great surprise and some irritation although my questions were answered patiently. I think many would not dare to question. As with every other aspect of life mistakes were made by the lawyers, by the reporter, by the office providing copies, as well as by my ex-husband and me. I believe all involved should be encouraged to question and understand every aspect of the proceedings."*

The courtesy and respect accorded citizens who seek to use the court system also affects their ability and willingness to pursue legal remedies for their disputes. The importance of the demeanor of judges in deciding sensitive family law cases and of court staff in assisting litigants through the court proceedings was assessed in the pilot project by the litigant survey. For those litigants who appeared before a judge and thus had direct contact with the court, litigants were asked to assess the judges' courtroom manner and the court staff's helpfulness. For all categories of divorces analyzed: contested, uncontested, divorces with children and those without children, the family courts where juvenile court judges served as family court judges were rated more positively in all instances in the responses to these questions than were the pilot and control circuit courts. (See Tables 7 through 10, "Survey of Litigants" in Appendix B, Attachment B.1.)

The pilot project found that a wide cross section of the citizenry uses the court system to adjudicate family and child-related issues. Their participation in the court system in non-divorce suits is frequently without the benefit of legal counsel. In order to make this involvement meaningful, and to enhance the acceptance of the court's resolution of the litigants' disputes, the structure and machinery of the courts must be accessible to those they serve. The favorable rating accorded the pilot juvenile courts for being user friendly when addressing sensitive family and child issues indicates that the procedures and structure of the court system that adjudicates family law cases need to be as simple as possible to be accessible to a broader range of the public and to accommodate litigants who use the courts without the benefit of counsel.

## Affordable Costs of Access

Litigants who seek to use the court system to resolve family law matters face three main financial barriers to effective access to the court: court fees; third party expenses, such as deposition costs and expert witness fees; and lawyers' fees. In addition, litigants may lose time from work to be present in court or to pursue other related case activities for which they may not be compensated.

The current juvenile court system charges, in general, no fees for use of its services. The family courts under the pilot project, followed the same policy. In the case of divorce complaints, a fee of \$5 is collected in the circuit court for service of process which is paid to the sheriff. For divorces referred to the family court, one \$5 fee was collected at the time of the filing, but no subsequent service of process fees were assessed. An additional fee of \$45 is collected by the circuit court clerk at the time a divorce is filed. After a divorce suit has been removed from the circuit court docket, a minimal fee may be charged to reinstate the court's order for purposes of modification or remand to the juvenile court. Such a fee was not charged by the family courts. Court fees for family and child-related cases in Virginia appear to present only minimal barriers to effective access to the court system by litigants.

The statutory authorization for the pilot project prohibited the use of commissioners in chancery in the family court for referred divorce cases (§ 20-96.1 D Code of Virginia.) In those pilot localities where divorce complaints are routinely referred to commissioners, the procedures in the family courts afforded a significant savings to litigants. This most likely accounts for the more favorable ratings granted the pilot juvenile courts and the pilot circuit courts over the control circuit courts on the issues of litigant satisfaction with the total legal cost of divorce proceedings and of litigants' assessment of the financial hardship of the litigation costs as recorded in the survey of litigants. This greater satisfaction with the legal costs of resolving their disputes in the family court was confirmed by the written comments made by individual litigants at the conclusion of their surveys. (See Tables 6 and 15, "Survey of Litigants", in Appendix B, Attachment B.1.)

Lawyers who participated in the project were also asked to gauge the affordability of the court system for their family law clients. More lawyers were satisfied with the expense of the family court system than with the circuit court system when asked about the total litigation costs, including legal fees, to their clients in divorce proceedings. (See "Survey of Lawyers" in Appendix C.) The elimination of commissioners in chancery, the more timely disposition of cases before the pilot courts, and the elimination of the de novo appeal may explain this belief. The more efficient handling of cases by the courts can reduce the fee the litigant must pay for the lawyer's time as well as the amount of uncompensated leave the litigant must take from work.

While 90% of divorce litigants in both the pilot and control courts had lawyers, it should also be noted that many citizens use the juvenile courts without representation by counsel to resolve disputes which would normally be attendant to a divorce, such as custody, visitation, and

support. These same parties may be unable to afford a divorce but access the court on a pro se basis to adjudicate issues indicative of the family's dysfunctions. As many as 90% of the juvenile court cases analyzed by the pilot project fall within the categories of custody (46%), support (37%), and visitation cases (7%). (See Table 2, "Case and Demographic Characteristics of Court Litigants", in Appendix A, Attachment A.2.)

When a marriage dissolves through a divorce or a family is otherwise divided by disputes over children, property issues, or other emotional contests, tremendous strain is placed on the financial assets of the family. The court system must not compound this crisis by requiring that the resolution of these disputes further impoverish the family. The court system should seek to reduce the overall cost of litigation by making it easier to handle uncontested matters, by providing uncomplicated procedures to resolve simple disputes, by establishing alternative methods for resolving appropriate cases, and by limiting the use of decisionmakers outside the court system which require litigants to pay additional legal costs.

### Consolidation of Related Family Matters

When a couple is involved in the divorce process, there may also be incidents of domestic violence, referral of one or more of the children to juvenile court for charges of delinquency, or an allegation by one parent of sexual abuse of a child during the pendency of a custody dispute. Such a couple could find itself mired in the legal system and caught between the jurisdictions of the juvenile and circuit court. A custody investigation may have been ordered in one court, while the parties are referred to mediation by another court. One court may grant a parent visitation, while another court denies that parent contact with the child pending a sexual abuse investigation.

This scenario illustrates the tangled web families can find themselves in when faced with family conflicts which require legal intervention. While progress has been made in revising our laws and procedures related to domestic relations, the present structure of the court system continues to hamper effective access to justice for troubled families. Too often courthouse resolutions resolve only the legal conflicts, leaving unaddressed the underlying personal, relationship, and psychological disputes.

In the supplemental survey of cases related to divorces in the family courts, the pilot project determined that conservatively 20% of divorce cases had one or more related cases. These related cases included separate petitions filed before or after the divorce for such matters as custody, support, visitation, delinquency, child abuse and intra family criminal offenses. The significant majority of related cases (72%) fall within the categories of custody, child support and adult intra family criminal offenses.

The assumption that the initiation of a divorce action will consolidate most legal issues facing the family into that one proceeding is not supported by the related case survey. Twenty-six per cent of the total cases found to be related to families involved in divorce occurred after the divorce was filed. The conflict within the family continues because not all of the issues

requiring resolution can be dealt with by a judge who is familiar with the full picture, who has the resources outside the adversarial system to address the trauma overwhelming the family, and who is able to provide finality to the court's decisions. The consolidation of related cases would not only improve the quality of dispute resolution in these family law cases, but would enhance the efficiency of the court system by providing the organizational and resource support necessary to effectively resolve the disputes.

A parent involved in both a custody and support case in a rural pilot juvenile court and several months later in a divorce suit in the circuit court which was not referred to the family court made this comment in her litigant survey: *"The Judge and court officials were very good at the time of our appearance January 2, 1990 and again on November 13, 1990. But as my divorce in Civil Court was not as good and I was very misinformed and am not satisfied at all (March 24, 1991) I wish that the same Judge in family court who hears the custody and support should handle the divorce. The custody parent has a much bigger hardship than the no custody parent ever does."*

In order to avoid this fragmentation in the judicial system's resolution of multiple family problems, a comprehensive approach to family law cases must be developed. The system must be designed in such a way that one court has before it all relevant legal issues requiring judicial resolution for a family. The distinctions between court of record and court not of record processes and the lack of coordination between the law and other community resources force families to resolve conflicts in a system ill-equipped to address the underlying causes of family crises. These barriers must yield to a more accessible and effective system of justice.

### Timely Case Processing

In many instances, by the time a family requires the intervention of the court system to resolve its disputes, the conflict which caused the legal action has been underway for a long time. This makes it all the more imperative for the court to discharge its responsibilities in a timely and expeditious fashion. Delay is a barrier to effective justice. It impedes factual recall, predictability, finality and ultimately rehabilitation. In family law matters where hurt, anger and other emotions are experienced daily and young children frequently are caught up in the hostility of the adults in court, time is of the essence. Failure to resolve these family crises in a timely manner engenders injustice and further hardship.

The pilot project sought to assess the effectiveness of the family courts versus that of the control juvenile and circuit courts in timely case processing in several ways. The data sheet collection process described in "Case and Demographic Characteristics of Court Litigants" recorded the dates and number of hearings associated with each case processed by the pilot and control courts. (See Tables 15 and 16 in Appendix A, Attachment A.2.) A breakdown of the number of hearings by case type shows that child abuse and neglect cases, criminal offenses between spouses, delinquency cases, and termination of parental rights cases require more hearings than other cases involving the family. It can also be noted that divorces involving commissioners in chancery will of necessity involve more hearings than a divorce processed

directly by the court, since appearance before the commissioner is outside the normal court process.

An analysis of the median case processing times for divorces for both the pilot and control courts is reasonably similar, with the exception of those urban control circuit courts where commissioners in chancery are widely used. In these circuit courts the median case processing time (123 days) was twice as long as in those control circuit courts where no commissioners are used (60 days). (See Figure 1 in Appendix A, Attachment A.2.) It is clear that in divorce cases the use of commissioners in chancery increases the case processing time.

When litigants were asked to evaluate their satisfaction with how long it took to conclude their divorce cases, they rated the family courts where the juvenile court judges sat more positively in all instances. Both the pilot and control circuit courts were rated less favorably than the pilot juvenile courts. (See Table 6, "Survey of Litigants," Appendix B, Attachment B.1.) This can be attributed to the prohibition against the use of commissioners in chancery in the family courts and to the priority accorded to the expeditious handling of divorce complaints in the pilot juvenile courts. As discussed earlier in this report, the processing of cases in the pilot circuit court was not significantly changed from traditional circuit court processing. This could explain why litigants in these courts failed to rate the timeliness of their cases more positively.

The elimination of the trial de novo in the family courts also permitted a more timely conclusion of the contested issues for the litigants involved. The large majority of litigants accepted the trial court's decision and did not appeal their cases. They were able, therefore, to begin the process of restoring stability and continuity to their lives and family relationships without the delay of a protracted appeal process.

The litigant findings on case processing times in the family and circuit courts were confirmed in the survey of lawyers. In all cases, the lawyers indicated that they waited a significantly less amount of time to schedule hearings and conclude cases in the family courts than they did in the circuit courts. For every item on the survey, the more rapid processing of cases was statistically significant. Specifically, the lawyers who had experience in both courts indicated that the family court was significantly better than the traditional circuit court in terms of the availability of pendente lite hearings, the allocation of sufficient time for pendente lite hearings, the conclusion of uncontested divorce cases without delay, the availability of divorce hearings, the speed of reaching both contested and uncontested custody determinations, and the speed of determining child support. The allocation of sufficient time for pendente lite hearings is of particular importance, because frequently the critical issues involved in a divorce suit are decided during the pendente lite process. The lawyers reported that the family courts and control juvenile courts were no different in terms of early availability of hearings and the speed of concluding cases. (See "Survey of Lawyers" in Appendix C.)

The judges who participated in the project were also asked to rate the time involved in processing family cases in the family, circuit and juvenile courts. The most reliable conclusions

from this survey can be drawn from the judges' comparisons between the family court and the court in which they normally sit. For these items on the survey, circuit court judges consistently reported that case processing time was the same in family court as it was in the traditional circuit court. Similarly, juvenile court judges reported that case processing time was essentially the same in the family court as in the traditional juvenile court. This latter finding indicates that the introduction of divorce cases and of trying certain cases on the record in the family court did not slow the customary more rapid processing of cases in juvenile court.

Nineteen of 21 judges also indicated on their surveys that their workload had increased because of the pilot project, but that the increased workload was acceptable. Only two judges reported that their increased workload was burdensome. The responses of circuit and juvenile court judges were similar for this survey question. (See "Survey of Judges" in Appendix D.)

Significant evidence from the evaluation of the pilot courts' performance suggests that even when handling the additional caseload of the referred divorces and when trying all custody, visitation, support, termination of parental rights and § 20-79 (c) cases on the record, the litigants, lawyers and judges found the timeliness of case processing in the pilot juvenile courts to be equal to or more satisfactory than the performance of the circuit courts. Furthermore, the pilot project has demonstrated that divorce cases would proceed more quickly and would require fewer hearings if they were handled without the assistance of commissioners in chancery. It is believed that such a change would reduce the financial burden of divorce on litigants by eliminating costs beyond those of the direct court proceeding and would assure that all citizens receive equal access to court services.

Numerous comments were volunteered by litigants concerning their satisfaction with the timeliness and cost of their cases in the family courts. (See Table 15 in Appendix B, Attachment B.1.) Illustrative of these comments is this statement by a woman who was a party to a divorce suit in an urban pilot juvenile court: *"The speed with which the case was able to be brought before the judge AND the lower cost, both, made an unpleasant ordeal less drawn out and burdensome."*

Limiting the length of time required to resolve emotionally charged family issues and bringing to a conclusion litigation which can have a detrimental impact on the children and adults involved is essential to the performance of a quality system of justice. In short, effective access to justice requires timely case processing. For family law cases, it is a goal that is achievable and necessary to permit families to reestablish stability in their lives.

### **Quality Resolution of Disputes**

Resolving disputes is the basic function of a court system. The challenge is to perform this task in such a way as to resolve disputes fairly and with a high quality of justice. In order to accomplish this task, especially in the area of family law, the courts should seek to resolve disputes rather than simply decide cases. The expectations of a family bringing its legal problems to court include a judicial system which is sensitive to the psychological impact on the

parties of the litigation; which consolidates all cases related to that family; which affords a method of dispute resolution which best addresses the issues involved in the case; which is fairly and professionally administered; which provides finality to the court's decisions; and which treats all similarly situated litigants uniformly. Integration of these principles in the court system's structure and procedures should contribute to the quality resolution of disputes.

### Problems in the Present System

The current structure and procedures for resolving family and child-related issues compromise these principles in several ways. The 1985 report by the Judicial Council on the Adjudication of Family Law Matters in Virginia's Courts identified the following structural and procedural hindrances to the quality resolution of disputes.

The overlapping jurisdiction of the juvenile court and the circuit court and the attendant de novo appeal process are reported to cause emotional damage to both child and adult participants because of the uncertainty inherent in the system. A lengthy, expensive and often traumatic juvenile court proceeding can be repeated in the circuit court on appeal or redetermined in the course of a divorce proceeding. The stability and continuity of relationships necessary for the development of a healthy child can be inhibited by this system.

Another negative consequence of the trial de novo procedure is that it does not allow for the ready accumulation of precedents that can give shape to juvenile case law. There are relatively few reported appellate cases in Virginia addressing family law issues in the juvenile court.

This same overlapping jurisdiction results in ineffective coordination and communication between the circuit court and the juvenile court. The same family frequently must deal with both courts to resolve its disputes. Conflicting solutions can be adopted, and some issues may fail to be addressed at all.

Resources of the judicial system are also wasted by the multiple hearings which resolve different aspects of the same family's dispute. The Commonwealth bears the costs of multiple hearings in the time of judges, court personnel and court-appointed experts. Litigants lose time from work and incur the expense of additional appearances by their lawyers and expert witnesses.

Juvenile courts are assisted in resolving disputes by skilled and specialized staff trained to provide services to families in trouble. There has been no parallel staff development for dealing with family law matters at the circuit court level. In addition, alternative methods of dispute resolution such as mediation and counseling are widely available in juvenile court but have had limited use in circuit court.

The pilot project was designed to assess the effect on family law litigation of several organizational and procedural changes which would address some of the previously discussed

problems. The evaluation of the project sought to determine whether these organizational and procedural changes promoted the quality resolution of family law disputes. By exploring the impact of litigation on the family and the nature of related family matters before the court; by assessing the importance of services for troubled families and of professional excellence in the administration of justice in family disputes; and, finally, by considering the effects of the appellate process on deciding family law cases, the quality of the resolution of child and family cases derived in the pilot courts can be compared with the control courts.

### Impact of Litigation on the Family

While the dissolution of a marriage is a legal crisis, it also can involve psychological, economic and parental trauma. The natural responses to divorce of fear, anger, sadness, failure and rejection are projected onto the litigable issues of custody, visitation, property division and child support. The procedures of the adversary system which exacerbate the normal conflicts in these cases often fail to resolve the issues in dispute and merely provide a court-imposed settlement that is easily breached.

The parties to a divorce suit are adults. The parties to most family law matters in juvenile court, even those where a child is the subject of the controversy, are also adults. Yet, the consequences for the children of these proceedings are often just as severe or more so than are the effects on the adults. The purpose and intent section of Virginia's juvenile court law states: "It is the intention of this law that in all proceedings the welfare of the child and the family is the paramount concern of the State...." (Emphasis added.) (§ 16.1-227, Code of Virginia.) The judicial system needs to act on this concern for children by determining what allows children to adjust to divorce and other family crises in the most constructive way and then designing its structure and procedures to embody these factors.

The evaluation of the pilot project sought to determine what elements of the pilot and control courts positively and negatively affect the ability of the family to effectively resolve the issues that arise in divorce or in related family crises and to restructure the family entity after the legal action is concluded. The litigants who found themselves engaged in these processes and the judges who try to deal with the interpersonal issues in these conflicts beyond those specified by law have both provided valuable insights into the impact of litigation on the family.

A series of questions in the litigants' survey was aimed at assessing the psychological impact of divorce, custody, support and visitation cases on the litigating parties and on their children. Litigants were asked to gauge the good or bad effect of the legal proceedings on the responding litigant, on the children and on the relationship between the parents and children as well as to determine whether the court's decision interfered with the needs of the family and whether the legal process increased the ability of both parties to settle disputes.

A mother before an urban control juvenile court on issues involving the custody, visitation and support of her two young children commented in her litigant survey that she could not respond to the psychological impact questions, because the custody issues had still not been



resolved. She wrote: *"At the present time, I feel tense, uneasy and betrayed by the legal system that allowed so much visitation, overnights and a full week without first checking both our backgrounds and talking with our kids. All of us will be doing much better, I hope, when the tension of not knowing is settled."* This same mother went on to say: *"Lawyers and judges should be made to realize that people have feelings and aren't just dollars and case numbers. I have been married for 14 years and had two kids during that time. A stranger listening to 20 minutes of testimony from my husband and myself ... has to decide such important issues as custody and visitation.... Expediting legal issues and not having so many separate hearings for things should help ease tension."*

In nearly every instance, the family courts where the juvenile court judges sat as family court judges received more positive ratings on the litigants' survey for questions relating to the psychological impact of court proceedings on the family. When considering all divorce cases, whether contested or uncontested, the respondents indicated that the psychological impact of the litigation in the family courts was felt to be less harmful and, in such courts, the legal process had a better effect on the litigants themselves. In contested divorces the impact of the litigation was viewed as being less harmful for children by litigants in the pilot juvenile courts than by litigants in both of the circuit courts. Litigants in uncontested divorces viewed their children's behavior as having been positively affected as a result of having been in the pilot juvenile court. Interestingly, the parents responding to the survey who had been in the pilot juvenile courts viewed their children's feelings about them as being more positive than did the parents in the pilot circuit courts. When the views of parents in the pilot juvenile court and in the control circuit court were compared, however, there was no significant statistical difference. (See Tables 6, 7 and 8 in the "Survey of Litigants" in Appendix B, Attachment B.1.)

The analysis of the litigant survey responses for divorces of couples with children found that the psychological impact of the litigation was viewed as significantly less deleterious to the children and to the responding litigant in the pilot juvenile courts than for respondents and children in both the pilot and control circuit courts. (See Table 9 in the "Survey of Litigants" in Appendix B, Attachment B.1.) One litigant who obtained her divorce in an urban pilot juvenile court illustrated this finding in the comments on her litigant survey: *"Court did not really interfere. We...were not adversarial. Relationship remains friendly -- he only lives a couple miles away and sees child frequently.... Ease of divorce contributed mightily to our friendship afterward. Don't make it harder! No ill effects on child -- she is outgoing, happy and friendly as ever."*

Also assessed for psychological impact were cases of custody, visitation and support, comparing the pilot juvenile courts with the control juvenile courts. The important difference between these two courts in the pilot project was the absence in the pilot court of a de novo appeal and in lieu thereof, the trial of cases on the record. In each of these case types, the family court was consistently viewed more positively than the traditional juvenile court. In custody cases, traditional court decisions had a more deleterious effect on the children, while family court decisions had a more positive effect on them. Decisions made by family court judges were viewed as interfering less with the relations between each of the parents than were

the decisions of the traditional juvenile courts. Families involved in support cases felt the family court was significantly less harmful to the children and the litigant, and that the court showed a real concern for and attention to the needs of the children and family members. Family communication between spouses was rated as being much better, and the litigation was viewed as improving other problems between the spouses as well as leading to a decision that would be lasting. Finally, in visitation cases, the litigation in family court was assessed as having a less deleterious effect on the children and the families' needs than cases handled in the traditional juvenile court. The family court judge was considered to have made decisions which were consistent with the families' concerns. (See Tables 11, 12 and 13 in the "Survey of Litigants" in Appendix B, Attachment B.1.)

This overall greater satisfaction expressed by the litigants in the family court with the psychological impact of the litigation on the family members and on their relationships is significant. In the cases of custody, visitation and support, the only distinguishing difference in the pilot courts was the trial of cases on the record as opposed to their being subject to a de novo appeal. It can be implied that this satisfaction is attributable to the finality the family court process afforded litigants in the resolution of their disputes. The greater regularity of a court of record process and the resulting finality provides litigants with the opportunity to accept the court's judgment and to begin restoring stability and continuity in their reconstructed family relationships.

In the interviews of the juvenile and circuit judges who sat in the family courts, they were asked whether the pilot courts had produced positive or negative effects on the litigants. No negative effects were suggested. Fourteen of the eighteen interviewed judges indicated some positive impacts. The elimination of the trial de novo was most frequently mentioned, along with the advantage of the finality of the decision at the trial court level. Also, discussed were the ability of the family court to handle related cases and to allow parties to work out their own problems. The ability to give family matters more time and attention and to afford finality to the court's decisions was also noted by some of the interviewed judges when they were asked to list the unique characteristics of a family court that allow it to handle family law matters better than the juvenile court or the circuit court. (See "Interviews of Family Court Judges" in Appendix D.)

When the characteristics of the parties and children before the court in family law matters are better known and the complexity of their disputes is understood, the importance of the court system acting quickly and comprehensively in order to avoid further psychological trauma can be seen. It is conservatively estimated that 20% of all couples who divorce have been in court before the filing of the divorce on a related family matter or will be afterwards. Divorcing couples with children are nearly five times more likely to be in court on a related case than those without children.

Because the large majority (71%) of the children involved in related cases is very young, 0 to 12 years of age, there is a good possibility these children will continue to come before the court in the future in custody, support and visitation disputes and for juvenile offenses. It is

critical that judicial resolution of these family disputes be comprehensive, that it be provided quickly, and that it be delivered with a degree of certainty that permits families to reestablish stability for their children. While saving marriages may be beyond the ability of the court system, settlements of family conflicts can be developed that better ensure the fulfillment of parental responsibilities by adults, whether they be psychological, social or economic and whether they be fulfilled inside or outside the marriage.

Even though children are not involved approximately 57% of the divorces filed in Virginia, it is still important to provide an accessible and expeditious means of dissolving the marriage. The majority of related cases involving divorcing couples without children was found to be adult intra family criminal offenses (47%) and spousal support (30%). This high number of intra family criminal offenses indicates that services for troubled families are critical and need to be provided early in the court process. A comprehensive court system is needed to help couples entangled in failing marriages and engaged in spousal assault and other emotionally damaging behavior to more constructively resolve their disputes.

#### Consolidation of Related Family Matters

Juvenile courts currently adjudicate many of the same issues involved in divorces heard in circuit courts. These issues include custody, visitation, child support, spousal support, possession of the family premises and spousal abuse. The grounds for divorce and equitable distribution are within the sole purview of the circuit court. This split jurisdictional authority is a barrier to effective access to justice. It is wasteful of the resources of the families and of the judicial system. Moreover, when a circuit court case involving a family is processed without regard to other cases involving the same family which are making their way through the juvenile courts, such as instances of intra family violence or child neglect, the circuit court resolution of that family's case cannot account for the underlying causes of the family crises.

The findings of the pilot project suggest that the consolidation of related family matters is also critical to the judicial system's ability to provide a quality resolution of family law disputes. Although there may be different jurisdictional issues between the circuit and the juvenile courts, the salient facts are often identical. The loss of relevant information is caused or enhanced by breaking up responsibility of different aspects of family-related issues between the two courts. This process increases the danger that facts will be omitted which will support a more informed court decision by increasing the number of personnel responsible for processing cases and by requiring a duplication of effort by the professionals, witnesses and family members involved.

The goal should be to assure that the greatest possible amount of information is in the hands of the decisionmakers. Consolidation of related family issues should increase the likelihood that there will be an accurate understanding by the court of the total implications for the family of authorizing a specific type of intervention or ordering a particular settlement. The purpose and intent clause of the juvenile court law (§ 16.1-227, Code of Virginia) makes it clear that the protection of the children and the family unit is the guiding philosophy of this court and

should govern juvenile court actions. A different philosophy involving punishment or other justifications for judicial intervention can lead to counterproductive results for a family caught between uncoordinated legal actions in the circuit court and the juvenile court.

In the supplemental survey of related cases, 47% of those cases involving divorcing couples without children were adult intra family criminal offenses. How can a court craft a resolution of that couple's dispute which will be of some lasting value without being aware of these offenses and their basis?

The related case survey also accounted for the extent of delinquency among children of divorcing couples. While the documented rate of 9% is very low, this can best be explained by the fact that the majority of the children in the sample were very young and had not engaged in delinquent behavior. If the timeframe for the survey had been extended, there is a good possibility more cases of children who are involved in delinquent behavior and who are from broken families would have been identified. How can a court choose a proper disposition for a delinquent child when the judge is not fully cognizant of other family crises that child is experiencing? How can a court which is deciding issues of custody and child support in a divorce case make a sound decision involving such a child if the judge is not aware of the delinquent behavior and the juvenile court's disposition of the charge?

To best serve the public in these difficult family law matters, a court must have before it at the time the citizen appears all relevant issues requiring resolution. In order for the resolution of these issues to be fair and to embody a high quality of justice, all facts germane to the family situation need to be available to the court and be presented by the lawyers, witnesses and parties without the necessity of duplicative proceedings. To accomplish this objective, there must be a comprehensive court process for handling all family matters.

### Services for Troubled Families

Family conflicts do not present solely legal issues anymore than they present solely sociological ones. A quality resolution of family disputes requires procedures which integrate the societal protections provided by the law with the remedial interventions provided by court service units, social services, mental health agencies and other alternative dispute resolution approaches. Child and family-related cases differ widely in nature. Adjudication is not always the most appropriate means of resolving these cases. Adversarial procedures focus on winning and losing. It has been suggested that the adversary system increases rather than resolves pre-existing family tensions. In family disputes, when the focus should be on reorganizing the family unit and on re-establishing stability, especially when children are involved, the court system's procedures should offer the disputants the opportunity to cooperate and communicate about the contested issues. It should provide the litigants a role in determining a mutually acceptable settlement of the issues in dispute.

Failure to involve the litigants in a constructive way in the dispute resolution process can protract the litigation, increase costs and cause rejection of the court's settlement of the issues.

A litigant involved in an uncontested divorce in an urban control circuit court which, in his words, "*deteriorated into a nightmare*" is an example of such a case. He wrote in his litigant survey: "*I was appalled that my life and how it would be conducted rested on 7 minutes of a judge's time. (Each side got about 7 minutes for a total of 15 minutes.) ... The final property settlement and support agreement was what I had offered before I spent almost \$13,000 on legal fees.*" This litigant appealed the trial court's decision concerning support and was awarded a reversal on appeal. He went on to say: "*Part of the problem rested with me and my then-wife in that we were acting like idiots, part of the problem falls on the overburdened judge who has but a few minutes to listen, and part of the problem is due to the adversarial process which, by its nature, drew time out and increased the legal fees.*"

Each of the pilot family courts was supported by a court service unit which traditionally serves the juvenile and domestic relations district court. These units provide certain services based on state law such as intake; investigation of juvenile and domestic relations cases; and supervision of children on probation and after care. Other services have been developed by the court service units to meet individual local needs. These include mediation for domestic relations cases and child/family disputes; family and marital counseling; diversion programs out of intake; and the availability of a court psychologist.

While the variety and availability of court-connected services and other community alternatives which can assist families in dispute resolution differ across the Commonwealth, their importance as an integral part of the judicial system's ability to effectively resolve family law cases is acknowledged. At the beginning of the pilot project, the major concern of the participating court service unit directors was that they would be overwhelmed with requests for mediation, counseling and other alternative dispute resolution services as a result of the divorces referred to the family courts. No such new services were funded by the Family Court Pilot Project. The court service units were not overburdened with service requests, and their directors indicated that there were no significant impacts on their units as a result of the project. Some of the court service unit directors stated, however, in a response on their survey, that if a family court is to be established successfully in Virginia, services such as counseling and mediation must be made more widely available. (See "Survey of Court Service Unit Directors" in Appendix F.)

Lawyers who practice in the pilot and control court jurisdictions expressed considerable support for alternative dispute resolution (ADR) in family law cases. In the lawyer survey, 22% of the lawyers stated ADR was used in their family court cases; 78% said it was not. Similarly, 25% of lawyers responded that ADR was used in their circuit cases, while 75% said it was not used. A large number of lawyers did not answer these items, perhaps because their cases were uncontested. Of these 117 lawyers who said ADR was used for their cases, 61% stated it resolved or narrowed the issues for trial, while 39% said it did not. Seventy-five percent of the 385 lawyers who answered the appropriate survey item indicated that they support the use of ADR for their clients. (See "Survey of Lawyers" in Appendix C.)

The judges who participated in the pilot project indicated an even higher level of support for a variety of dispute resolution processes. In their survey, 88% of judges reported that alternative dispute resolution services are available to them. Every judge who had ADR available used it, and every judge who used ADR said that it either frequently or occasionally resulted in resolving one or more issues. (Frequently = 53%; Occasionally = 47%; Rarely = 0%.) (See "Survey of Judges" in Appendix D.)

The survey of litigants asked that they check which of the following services were used in their cases: mediation, counseling, court-ordered investigation, support services, other, or no services used. They were also asked whether, if used, the services helped to settle one or more issues in their case. Of the total litigant sample, 47% of the litigants used at least one of the listed services. More than two-thirds of the litigants who used the services indicated that they helped to settle one or more of the issues in their case. (See Table 16 in Appendix B.)

In the comment section at the conclusion of the litigant survey, the most frequently mentioned concern about services of the courts related to the enforcement of support orders. The inability to negotiate the processes of the Division of Child Support Enforcement in the Department of Social Services or to independently achieve compliance by former spouses with support orders of the courts was a notable complaint by some litigants in all of the participating courts.

A court which effectively responds to families in crisis must be staffed with intake personnel who are trained to determine which cases require court intervention as opposed to those which are amenable to self-determination. These intake personnel can then assist the disputing parties in choosing the procedures which are most likely to resolve their problems. Such a process would enhance the responsiveness and effectiveness of the court system, possibly save time and costs, and would serve to educate the public about means other than litigation to resolve family conflicts. As discussed earlier, juvenile court service units have traditionally filled this role at the court not of record level. There is no parallel staff for family law issues brought before the circuit court. To promote the efficient and effective settlement of family disputes and avoid recourse to more formal and adversarial legal proceedings, adequate administrative staff as well as counseling, legal and enforcement services should be available to support all courts charged with serving troubled families.

In response to concerns that adversarial approaches only serve to exacerbate family conflict, alternative means of resolving divorce disputes and related child and family cases have been developed. Within the framework of a comprehensive court for family law cases, Virginia courts should more fully embrace non-traditional dispute resolution alternatives. While adjudication and other dispute resolution methods should continue to be available, litigants should be offered the opportunity to choose the best method for resolving their differences. Such methods should allow the litigants to address the underlying causes of their contests, reduce the hostility between the disputants, gain acceptance of the outcome, reduce the number of cases requiring further litigation and restore a sense of control to the parties. Incorporating these

principles in all mechanisms used by the courts to resolve family conflicts will result in a higher quality of justice for the affected children and families.

### Enhancing Professional Excellence in Decisionmaking

The marital dissolution process is more complex than resolving a set of pre-existing legal issues. To provide a quality resolution of marital and other family disputes, judges should be trained and educated not only in family law but in the psychological aspects of divorce, developmental needs of children, and the nature of conflict in the break-up of families. The value of this expertise in court not of record family matters has been recognized in Virginia by the establishment and staffing of the juvenile and domestic relations district courts. The Family Court Pilot Project sought to assess the importance of having all decisionmakers in the court system who address family law issues trained in family law and in the psychological aspects of family conflicts.

The consequences of decisions made by judges and by commissioners in chancery, when utilized in divorce cases, are, of course, most directly felt by the litigants. In the litigants' survey several questions sought to determine the litigants' feelings about how they were treated in court, if a court appearance was involved. Litigants were asked: "do you feel the judge was impartial?"; "do you feel that the judge listened to your concerns?"; "do you feel that the judge understood your family and its many needs?"; and "do you feel that concern was shown for your children?". These responses were analyzed for divorces and for custody, support and visitation cases.

In the categories of uncontested divorce, divorce with children and in divorce without children, the pilot juvenile courts received more favorable ratings than either the pilot or control circuit courts in the responses to these questions. The judge was considered to be more impartial, to have listened better to the concerns of the family and to have understood its many needs in the family courts where the juvenile court judges sat as family court judges. Interestingly, in support and visitation cases, the pilot juvenile courts were rated more positively than the control juvenile courts when litigants were asked if the judge's decision responded to their specific concerns in the support cases and if concern was shown for the children in the visitation cases. (See Tables 6 through 13 in the "Survey of Litigants" in Appendix B, Attachment B.1.)

Other issues addressed in the litigant survey which have been discussed elsewhere in this report also touch upon the importance of judges who are trained in resolving child and family conflicts. The satisfaction which a litigant feels with the fairness of the legal process and the results of the case and the litigant's assessment of the psychological impact of the litigation on his family can be attributed in part to the judge's demeanor and ability to deal with the interpersonal issues in the case. The litigants' responses in each of these areas was most positive with regard to the pilot juvenile court judges. It would appear that by training, interest and certainly by experience these judges impressed litigants most favorably in the handling of their family conflicts.

The responses of the lawyers who were surveyed for the pilot project about the quality of dispute resolution obtained in the family courts also reflect upon the competency of the juvenile court judges who handled court of record cases for the first time. Attorney satisfaction with the quality of justice in the family courts was equal to or greater than that for the control circuit courts. Family courts were viewed as significantly better than the circuit courts in terms of the demeanor of the judge; the availability of early hearings for pendente lite hearings; the allocation for sufficient time for pendente lite hearings; the conclusion of contested divorce cases without delay; and lower total litigation costs. In addition, when lawyers were asked if they accord greater respect to the family courts than they do to the traditional juvenile court, 31% felt they had greater respect for the family court, but 67% believed their respect for the two courts was the same. Clearly, the juvenile court judges who participated in the pilot project impressed members of the bar with their ability to adjudicate court of record family conflicts. (See "Survey of Lawyers" in Appendix C.)

The judges themselves confirmed the importance of specialization in family law. In the interviews of family court judges, both from the circuit and juvenile courts, the importance of having judges serve in the family court who are interested and trained in family issues was noted several times. Ten of the eighteen judges who were interviewed volunteered that specialization of judges is one of the unique characteristics of a family court that allows it to handle family law matters better than the juvenile court or the circuit court. In addition, 81% of the judges who participated in the project and who responded to the survey of judges reported improved judicial performance during the time of the pilot project. Some of the judges from the juvenile courts attributed this improvement to the addition of divorce suits to their jurisdiction and the resulting need to be better informed about the law and the aspects of marital dissolution that they would have to deal with as well as to the finality of family court decisions with the elimination of the trial de novo. (See "Interviews of Family Court Judges" in Appendix D.)

This emphasis on the importance of the knowledge of the judge hearing family court cases also requires that consideration be given to the place of commissioners in chancery in the family law system. The significantly greater satisfaction expressed by litigants with the overall processing of their divorces in the family courts as compared to the control circuit courts can clearly be ascribed in part to the fact that commissioners were not used in any family court cases. The delays associated with the commissioner process and the attendant costs incurred by litigants are not the only major problems with the use of commissioners in chancery. In those jurisdictions where commissioners are used, parties to a divorce complaint are required to appear before a private attorney sitting as a commissioner in chancery in lieu of a judge to have findings made about the critical issues in the complaint: grounds for divorce, child custody and visitation, support and equitable distribution. The qualifications of the commissioner by knowledge, training or practice to determine family law matters and to make timely and supportable findings of fact and conclusions of law can be questionable. The use of such decisionmakers outside the formal court system suggests an inherent denial of equal access to the courts by divorce litigants. It also diminishes the importance of the court's jurisdiction over divorces and the ability to access methods other than adversarial ones to resolve the family conflicts.



The specialization in family law has been a welcome addition to the legal profession. The findings of the Family Court Pilot Project suggest that this specialization needs to be extended to the judiciary in the trial of all family matters. The cornerstone of any court system is its judges and non-judicial court personnel. To achieve a quality resolution of child and family-related disputes, the court system must have capable and impartial judges who are familiar with all aspects of the conflicts brought before them and with the various means, in addition to the adversarial process, of resolving the family crises. The number of cases related to divorce complaints could very well be reduced by having judges who are trained in family law issues and by the use of alternative dispute resolution. This better management of family conflict cases also requires that the use of quasi-judicial officers be eliminated. The use of commissioners in chancery does not result in providing litigants with the fairest and most professional forum for resolving their family conflicts.

To attain the goal of providing a responsive forum for the just resolution of family disputes, the court system must embody professionalism in the administration of justice. A court system which uses only judges trained in family law and in the related aspects of family dysfunctioning will enhance professional excellence in decisionmaking and provide the highest quality resolution of disputes.

#### Appeals of Family Law Cases

"Appeals from those juvenile and domestic relations district courts designated as experimental family courts by the Judicial Council of Virginia shall be to the Virginia Court of Appeals as provided in § 17-116.05:5." (§ 16.1-296.1, Code of Virginia.) The section referenced in Title 17 of the Code provides, in relevant part, that any case involving a suit for annulling or affirming a marriage and for divorce, custody, visitation or civil support of a child, spousal support, and termination of residual parental rights and responsibilities as well as enforcement or modification of circuit court orders pursuant to § 20-79 (c) is appealed to the Court of Appeals. These statutory provisions contained in the legislation authorizing the Family Court Pilot Project exclude the use of de novo appeals to the circuit courts for the pilot family courts. Virginia is one of the few states in the United States which utilizes de novo appeals in family law cases. The right to a de novo appeal is viewed by some as a major weakness in Virginia's court procedures for resolving family disputes.

The pilot project employed several evaluation techniques in an effort to document the consequences of the trial de novo procedure and the effect of its proscription in the pilot family courts and to determine the legitimacy of the concerns which have traditionally been raised about this method of appeal. Litigants, lawyers and judges were all given the opportunity to express their opinions on this topic. While the number of family court cases actually appealed to the Court of Appeals is very small, the impact on the trial process and on litigant satisfaction with case outcomes which result from trials on the record appears to be significant.

To evaluate the experiences of litigants who had appealed decisions on their cases in the control juvenile courts to the circuit courts by means of a trial de novo, a survey separate from

the previously discussed litigant survey was conducted. The focus of this second survey effort was to compare the litigants' experiences in the control juvenile courts with their experiences in the control circuit court in custody, visitation and support cases. The original pool of these surveys (250) was fairly small as were the number of completed surveys returned (62). Given this small number of responses, interpretations of this data must be made with significant caution. With this caveat, however, the data indicate no significant difference exists in litigants' experiences in the juvenile courts and the circuit court. In all cases, the litigants' answers on both individual questions and groups of questions under the content categories of timeliness and cost; quality of justice; psychological impact; and satisfaction with the results reflect the same ratings for the juvenile court and the circuit court. It could be concluded that exercising the right to a de novo appeal did not lead the litigants to feel greater satisfaction with the legal process. (See "Survey of Litigants" in Appendix B.)

Another way to evaluate the effect of the de novo appeal on the trial process is to compare the experience of litigants in the pilot juvenile courts with those in the control juvenile courts in custody, visitation and support cases. Since these juvenile courts had the same judges and court personnel, the only distinguishing difference between these courts was the method of appeal. In the survey of litigants involved in these case types, the pilot juvenile courts received more favorable ratings in response to every question where there was a statistically significant difference in the litigant answers.

In custody cases, the family court judge was believed to be more impartial; the legal process was viewed as having a better effect on their children; the decision of the family court was seen as interfering less with the families' needs and less with the relations between each of the parents than were the decisions of the traditional juvenile courts. Similar positive opinions were expressed in visitation cases and even more strongly in support cases. (See Tables 11, 12 and 13 in the "Survey of Litigants" in Appendix B, Attachment B.1.)

While it is not possible to definitively extract from the litigant responses the specific impact of eliminating trial de novo in the family court, the overall greater satisfaction experienced by the litigants in family court with both the trial process and the results of their legal action must be noted. A more direct approach can be taken to gauging the views of lawyers and judges about appeals of family law cases. Several specific questions on this topic were included in the surveys of these project participants.

The lawyers' opinions were divided when they were asked about de novo appeal. Of the lawyers surveyed, 43% said that an appeal on the record was worse than a de novo appeal, while 41% said it was better. Sixteen percent said it represented no change. These lawyers were also asked whether, hypothetically, they would have perfected more appeals for their family court cases if a trial de novo had been available. Fully 62% of the 350 lawyers who answered this item indicated that they would have made more appeals if their family court cases had not been trials on the record. The most common reasons given by the lawyers for not pursuing appeals on the record were the cost of the appeal (mentioned by 96% of the lawyers);

the time involved (77% of the lawyers); and the lack of appealable issues (53% of the lawyers).

Given that the lawyers indicated that they would have made many more appeals if a trial de novo had been made available to them, nonetheless they also reported that their past de novo appeals generally had not resulted in a substantially different outcome. When asked what percentage of de novo appeals in which they had appeared resulted in a substantial change in child support, the average reported by all lawyers was 25%. In custody and visitation cases, the lawyers reported that only 23% of their de novo appeals had resulted in a substantial change of outcome. (See "Survey of Lawyers" in Appendix C.)

The perception by many of the surveyed lawyers that they would have made greater use of the trial de novo if given the opportunity is particularly interesting in light of statewide statistics on these appeals. As documented in the 1991 State of the Judiciary Report, of the 145,738 cases of custody, visitation and child support concluded in all of the juvenile courts of the Commonwealth, less than 3% of these cases resulted in appeals filed in the circuit courts. Even though a trial de novo is an infrequently pursued remedy, when it does occur, the process can have a serious impact on the children and families involved in the litigation.

The judges' views on the trial de novo versus an appeal on the record are much clearer than those in the bar. Fully 89% of all judges surveyed said that the traditional de novo appeal was a liability in family cases (Four percent said it was a benefit, and 7% said it had no effect.) This pattern of opinion was consistent across circuit and juvenile court judges: 5 of 7 circuit court judges believe appeal de novo is a liability, while 32 of 35 juvenile court judges rated the appeal de novo as a liability of the traditional juvenile court. Eighty-five percent of these same judges rated an appeal on the record as being superior to an appeal de novo. (See "Survey of Judges" in Appendix D.)

In the interviews of family court judges, both from the juvenile and circuit courts, there was an opportunity to explore further these judges' views on the trial de novo process. Half of the eighteen judges interviewed, including one circuit court judge, responded affirmatively to the inquiry: "Do you feel the elimination of the trial de novo had an effect on the way you tried and decided cases?" Reasons given to explain the effect on the judges' work included: hearings are conducted in a more formal, thorough manner; when a court reporter is present, the judge is more careful to explain his decisions and his rulings on the evidence; and when writing court orders, decisions are more thoroughly substantiated to avoid reversal on appeal.

The family court judges were also asked in the interviews whether they believed the elimination of trial de novo reduced the number of appeals of their decisions. Seven judges answered "yes"; six said "no"; and five indicated that they did not know. Some of the reasons these judges gave as to why the reduction in the number of appeals has a positive effect on family law cases included the beliefs that the cases are taken more seriously at the first trial and that hostility in the parents and instability in the children are reduced because of the finality of the trial court's decision. One judge also stated, however, that any reduction in the number of

appeals is negative to the degree that litigants feel that they did not get what they wanted from the court process and believe that they are powerless to change the results.

The judges' assessment of the impact on the lawyers of trying cases on the record was also discussed in the interview process. Eight of the eighteen family court judges (7 from juvenile court and 1 from circuit court) answered "yes" to the question: "Do you believe lawyers were better prepared in the family court because there was no trial de novo?" The explanations for these affirmative responses were that lawyers were better prepared because the process was more formal and dignified, and because it was conducted on the record, any appeals would not be merely retrials of the same issues. (See "Interviews of Family Court Judges" in Appendix D.)

One concern mentioned at various times by lawyers and judges and some of the clerks of the participating courts has been the difficulty pro se litigants have with pursuing appeals of family law disputes on the record to the Court of Appeals. The necessity of developing a statement of facts from the trial when court reporters are not normally present, the more formal procedures required to perfect such an appeal to the Court of Appeals and the attendant expense can be barriers to pro se litigants exercising their right to appeal. An appeal on the record can be viewed as discriminating against the poor and less educated. A second trial through the appeal de novo requires only that the litigant request an appeal. Because ease of access and the less formal nature of the current juvenile court system are considered two of the system's major strengths, these positive attributes of the trial de novo must be balanced against the negative aspects of the de novo process and the advantages of an appeal on the record.

The nature of the appeal de novo which compromises the quality resolution of family disputes was recorded in the 1985 report by the Judicial Council which studied how family matters are adjudicated in Virginia. The specific problems with the trial de novo as enumerated in this 1985 report were summarized at the beginning of this topic on "Quality Resolution of Disputes." The continuing legitimacy of these concerns can be inferred from evidence gathered during the Family Court Pilot Project.

A trial de novo in the circuit court is unnecessarily duplicative of the juvenile court process. The specificity of state laws especially in support and custody matters require the application of the same criteria to the issues before the court, regardless of the trial level. Formal rules now applicable to the juvenile and domestic relations district courts provide for similar discovery opportunities to those available in circuit court, except for the availability of depositions. (See Rule 8:15.) This uniformity of laws and procedures provides an equal opportunity for both parties to litigate the issues in one court without the emotional and financial expense attendant to multiple trials.

Litigants surveyed during the pilot project who pursued de novo appeals in the circuit court expressed no greater satisfaction with the legal process than they obtained in the juvenile court. This experience is supported by the lawyers' responses on the same subject. Even though many lawyers view the de novo appeal system as a benefit in custody, visitation, support

and termination of parental rights cases, the outcomes of these appeals, according to the lawyers, are not substantially different from the juvenile court judgments in more than three-quarters of the cases. Nevertheless, a second trial in the circuit court on the same issues, with the same procedures, same participants and the same expense can result in a different outcome. And even this decision can be further appealed. The uncertainty which is inherent in this multiple litigation causes emotional turmoil for the adults who participate and the children who may be objects of the conflict.

Providing an appeal de novo in family law matters allows the adversarial process to protract already emotionally charged issues and to delay the restoration of the reorganized family unit for the benefit of the children and adults who need to get on with their lives. For all the parties concerned, justice delayed can be justice denied.

The pilot project evidence supporting an appeal on the record is notable. Litigants in the pilot juvenile courts where appeals were on the record found the legal processes to be more satisfactory, the court judgments to be more acceptable and the effects on the children and families to be more positive than in the traditional juvenile courts. The majority of judges hearing these family law cases support an appeal on the record. Some of these judges believe that the lawyers in the family courts were better prepared and presented the justiciable issues more clearly because the proceedings were on the record. Similarly, several of the family court judges believed the hearings they conducted were more thorough and formal, and they were more careful with their rulings and better substantiated their decisions, because they would be appealed on the record.

When the first trial on the issues before the court is taken more seriously, as the project findings suggest, there is a greater degree of satisfaction with the process by the litigants and a clearer delineation of the issues for the court by the lawyers. This regularity of the process permits more informed decisions by the judges and enhances the acceptance of the court's judgments. With acceptance can come finality to the litigation and the return to stability and continuity in the relationships of the adults and children involved. It is acknowledged by experts in child psychology and child development that this constancy is critical for emotionally healthy children. It is suggested that the greater difficulty and expense required to pursue an appeal on the record of a family law case as opposed to an appeal de novo for both pro se litigants and appellants of modest means is overridden in importance by the finality of the trial court's decision in the vast majority of cases. This finality permits these troubled adults and children to adjust their relationships and resume their lives without the immediate fear of another court reordering the scheme of things.

## **Public Confidence and Respect for the Courts**

In order for the court system to fulfill its mission of preserving the rule of law, courts must maintain the respect, confidence and trust of the public. How well a court system performs in providing effective access to justice and a quality resolution of the disputes before it will determine whether the public has confidence and respect for the system. The deference accorded to courts stems not only from their actual performance, but also from how the public perceives justice to be done.

Several constituencies are served by courts which have jurisdiction over family law cases. There is the "general public" which is comprised of the vast majority of citizens who seldom experience the courts directly. A second constituency consists of the community's opinion leaders, such as local government officials, state legislators, business and professional leaders, the clergy and the local news media. There are also those citizens who have appeared before the courts and have direct knowledge of their activities: litigants, witnesses and family friends, for example. Finally, there are the judicial officers and other employees of the court system and lawyers who have an "inside" perspective on how well the court is performing.

How these different constituencies view the court system varies: What you see depends upon where you sit. However, the removal of the barriers hampering effective access to justice will promote the public's perception of the accessibility of the court system. Similarly, a court which offers effective, responsive and appropriate methods for resolving disputes, which functions fairly, and which demonstrates that its decisions have integrity will not only afford a quality resolution of disputes but will earn the trust and confidence of the public.

### **Problems in the Present System**

An assessment of the public's perception of Virginia's system of resolving family law disputes in the 1985 report by the Judicial Council was not a positive one. This report indicates that the provision of a de novo appeal as a matter of right in juvenile court cases communicates a subtle message to the litigants and attorneys that the juvenile court is not a "real" court. Instead, the only judgment of lasting worth is one rendered in a circuit court on appeal. The juvenile court is thus afforded less dignity and respectability by the very design of the system of which it is a part.

Another problem in the present system which has been suggested is that the division of responsibility and jurisdiction over family law matters between courts at different levels implies that society accords lesser priority to legal problems arising in the family than it does to other legal matters. If families are truly the basic cornerstone of society, why is the judicial handling of family law issues so fragmented?

The evaluation process of the pilot project explored how the participants in the project, all of whom are constituents of the court system, perceived the performance of the pilot and control courts. The litigants, lawyers, judges, clerks and court service unit directors were asked

about their perception of the fairness, efficiency and effectiveness of the courts in resolving family and child disputes. The litigants' satisfaction with their court experiences and the project participants' opinions about the Family Court will assist in gauging the public's trust and confidence in the pilot and control courts.

### Litigants' Satisfaction with Their Court Experiences

The survey of litigants who were involved in family law cases before either the pilot or the control courts sought to assess on several levels their perceptions of how the courts performed in their cases. The litigants' opinions on the demeanor of the judge and helpfulness of the court staff, affordability and timeliness of the court process, as well as the psychological impact of the court experience have previously been discussed in this report. Also asked of the litigants, however, were more direct questions about their satisfaction with their overall court experience: "how satisfied are you with the fairness of the legal process?"; and "how satisfied are you with how your legal rights are protected?" More favorable ratings were received for the family courts where the juvenile court judges sat as family court judges in every instance in response to these questions. There was greater satisfaction with divorce cases in the pilot juvenile courts as compared with control circuit courts and with support and visitation cases in the pilot juvenile courts as compared with the control juvenile courts. (See Tables 6, 12 and 13 in the "Survey of Litigants" in Appendix B, Attachment B.1.)

Litigants in the pilot juvenile courts consistently rated their court experiences more positively on questions reflecting their satisfaction with the court process and their case results, their assessment of the quality of justice which they were afforded and on the psychological impact of the proceeding on themselves and, where applicable, their children.

The unique elements of the pilot juvenile court system which merit this high degree of litigant satisfaction must be carefully examined so that they can be replicated in handling family law matters on a long-term basis. It is suggested that in the case of divorces, a court which is user friendly and expeditious, which has judges trained in the handling of family law cases and which does not employ outside decisionmakers will earn greater trust and confidence from the public who seeks its services. When custody, visitation, and support are at issue, litigants again want a process which is sensitive to the trauma the family is suffering and which can craft decisions that assist in resolving the family crisis and not just deciding the narrow legal issue before the court. Such a process should include judges trained in family law as well as the availability of dispute resolution options which allows litigants to choose the best method for resolving their differences.

The distinguishing difference between the pilot and control juvenile courts in the processing of custody, visitation and support cases was the method of appeal. While the number of de novo appeals actually perfected is quite small, the impact from the litigants' perspective of the appeal process appears to be significant. Satisfaction with the effect of the legal process on the litigant's children and of the court's decision on the family was more favorably rated in the pilot juvenile courts for each of the relevant survey questions. This satisfaction level was

particularly marked in support cases where providing economic stability to the family would be a critical goal of the litigants and the court.

This satisfaction by the litigants with the judgments of the family court indicates a greater confidence and trust in its processes and decisions. The characteristics of the family court process which earned these positive ratings need to be identified and replicated in the court system as a whole so that this level of satisfaction in family law matter is retained.

### Project Participants' Opinions about the Family Court

The public involved in the Family Court Pilot Project had different perspectives and experiences with the participating courts. The surveys of the litigants, lawyers, judges, clerks and court service unit directors each sought to measure opinions of the participants on the family court concept and its demonstration by the project.

#### Litigants

Except in unique situations where litigants had previously been before a juvenile or circuit court and were thereafter before the family court, direct comparisons by litigants of the different court types could not be obtained. However, relative comparisons between similar cases and similar courts are valuable and were presented in the preceding topic, "Litigants' Satisfaction with Their Court Experiences." In addition, many litigants volunteered comments at the conclusion of their surveys which expressed their opinions about the various court processes they had knowledge of. While these comments cannot be scientifically quantified, they represent relevant experiences of the public with the court system which bear attention.

A litigant who responded to the litigant survey had experience in both a rural control circuit court and a rural pilot juvenile court. She contrasted the time it took to process her cases and the attendant legal fees in her written comments. *"I was involved in 2 proceedings in 1990. One was a child support issue in Circuit Court. I was ... appalled at the length of time it takes to get the estranged parent (non-custodial) to court to get an order for support.... I was very dissatisfied at the decision made in my case and am in worse financial shape due to the cost of having to go to court several times for the same issue to the tune of a \$3,600 legal bill. My second experience was in the family court. Although my initial custody hearing was a lengthy process due to an absentee defendant, I was very satisfied with the promptness of my final divorce decree. (My case involved two different fathers of my children.)"*

*"In summary, I find it quite ironic that the cost to get my divorce was approximately \$800 and only took about 3 weeks, and it was months of legal proceedings at a cost of \$3,600 to obtain a token child support."*

Another illustrative litigant comment compared the traditional case processing of divorces with that in an urban pilot juvenile court. *"This was not my first divorce. Previously, the divorce process for an uncontested divorce took forever and cost far too much for the amount"*



*of service rendered. I was extremely happy when I was informed my case was to go through Family Court. I firmly believe all uncontested divorces should go through Family Court!"*

## **Lawyers**

Lawyers were in a unique position to express their opinions about family court system since most of them had experience with the traditional and pilot processes for handling family law matters. The data indicate support for a family court among the 482 lawyers responding to the survey. Forty-five percent of the lawyers who responded indicated that they believe a family court was an improvement over the present system, 40% indicated it was no change, and 15% thought it was worse.

When asked directly whether they are currently in favor of a family court, the lawyers who practiced in the pilot juvenile courts had a markedly different opinion from those who had been before the pilot circuit courts. Based on their experience with the pilot juvenile courts, 65% of the surveyed lawyers are in favor of the creation of a family court; 17% are opposed; and 18% have no opinion. On the other hand, lawyers in the pilot circuit courts are clearly ambivalent or negative about the pilot's effect on improving the handling of family law disputes. Based on their experience, 32.7% are in favor of a family court; 34.5% are opposed; and 32.7% have no opinion. As has been discussed earlier in this report, the fact that pilot circuit courts did not handle family law cases any differently than the traditional circuit courts and the pilot administrative processes caused additional work for lawyers in these cases, probably led to disappointment and dissatisfaction with the project in these areas.

Another important measurement of the lawyers' opinion of the family court focused on the respect accorded the family court as compared to the juvenile court. Thirty-one percent of the lawyers had more respect for the family court than for the juvenile court, while 67% believed the lawyer's respect for the two courts was the same. Only 2% said they had less respect. Similarly, 27% of the lawyers felt the parties gave the family court more respect, with 72% indicating equal respect for the two courts. Only 1% of the lawyers believe the parties gave the family court less respect. (See "Survey of Lawyers" in Appendix C.)

## **Judges**

Forty-eight of the judges who participated in the Family Court Pilot Project responded to the judge's survey. These responding judges clearly support a family court. Eighty-two percent indicated that a family court would be an improvement over the present system; 9% indicated it would represent no change; and 9% said it would be worse. When asked about the impact of their experience with the pilot project on their opinion of a family court, 74% of the judges said they favored a family court both before and after the experiment. Seven percent were opposed both before and after the experiment. The biggest change in reported opinion was a shift in favor of the family court. Fifteen percent of the judges reported that they were either opposed or had no opinion about a family court, before the experiment, but they favored such

a court after the experiment. Two judges (4% of the sample) switched from having no opinion or being in favor of the family court to being opposed.

In the end 41 of 48 judges or 89% who participated in the family court project favored a family court after the experiment. While the number of circuit court judges participating in the survey (7) is too small draw any firm conclusions, the data suggest differences of opinion between circuit and juvenile court judges. Thirty-three of 35 (94%) juvenile court judges currently favor a family court. Four of 7 (57%) of the circuit court judges also favor of a family court. Of the three circuit court judges who now oppose a family court, two of these judges opposed the concept before the pilot project.

Some of the reasons for the general support by the judges of a family court are suggested by their responses to other survey questions. When the entire sample of judges is considered, 56% responded that disputing parties gave a family court greater respect than they give a traditional juvenile court (44% reported the same respect; 0% reported less respect.) Moreover, 70% of all judges surveyed said that attorneys accorded greater respect to the family court than to the traditional juvenile court (30% reported the same respect, 0% reported less respect.) (See "Survey of Judges" in Appendix D.)

Both in the survey of all judges and in the interviews of family court judges from both the juvenile and circuit court pilots, the juvenile judges felt more strongly about the respect accorded the family court by lawyers. Seven of the eleven juvenile court judges interviewed believed lawyers were better prepared in family court because there was no appeal on a de novo basis. Only 1 out of 6 circuit court judges interviewed shared this view.

When asked in their interviews to enumerate the unique characteristics of a family court that allow it to handle family law matters better than the juvenile court or the circuit court, numerous examples were given by the family court judges. Among those most frequently mentioned were: specialization of judges; more respect for the family court; jurisdiction over all family matters being in one court; elimination of trial de novo; and more affordable divorces for litigants because of the elimination of the commissioners in chancery. The only negative characteristic of the family court mentioned by more than one judge was the difficulty of developing a record for appeal, especially for pro se litigants.

In addition to the previously noted positive characteristics of the family court, eight of the interviewed judges also stated that in their jurisdictions the pilot court processed cases on a more timely basis than the control courts, and five believed the overall court procedures were less expensive for the litigants. (See "Interviews of Family Court Judges" in Appendix D.)

## **Clerks**

The significant administrative burden of the Family Court Pilot Project fell upon the clerks of the participating courts and especially those clerks in the juvenile and domestic relations district courts. It is interesting to note, therefore, that of the twenty-one clerks who

responded to the clerks' survey, fully fourteen of them believed that a family court system with jurisdiction similar to that of the pilot courts would be an improvement over the existing split system of juvenile courts and circuit courts for handling family law matters.

To preserve the anonymity of the small number of responding clerks, the returned surveys did not differentiate between circuit and family court clerks, so that comparisons between these courts cannot be made here. Five of the clerks who responded negatively to the inquiry about the family court being an improvement over the present system may, however, be from those pilot areas where the circuit court judges sat in the family court. In these courts, as previously discussed, the pilot procedures appeared to cause more inconvenience than substantive improvement in the process.

One clerk commented that the circuit court in her jurisdiction is very efficient in concluding divorce cases, when the attorneys proceed. Still another stated that because there were no significant differences in timeframes for docketing cases for trial or in the services rendered to litigants, and because there were so few companion cases, she believes the current court system meets the needs of litigants. Both these clerks agreed there was no need for a family court. The comments of other clerks reflected their positive view of the pilot processes and the advantages they saw in the family court as it operated in their jurisdictions. (See "Survey of Court Clerks" in Appendix E.)

#### Court Service Unit Directors

The opinions of the directors of the ten court service units which served the family courts were also solicited as part of the evaluation process. Of the nine directors who responded to the survey, seven indicated that there had been no significant impact on their units as a result of participating in the project. This lack of meaningful involvement in the pilot project resulted in an overall negative response to the question as to whether the directors believe a family court system would be an improvement over the present system for handling family law matters. One director responded "yes"; five said "no"; and three indicated they did not know. (See "Survey of Court Service Unit Directors" in Appendix F.)

In summary, while the opinions of the participants in the pilot project vary, it is clear that the pilot family courts, in particular as they operated with the juvenile court judges, performed more satisfactorily and earned greater respect and confidence than the courts which traditionally adjudicate family law matters in Virginia. This satisfaction with the pilot juvenile courts suggests that in family law cases the public wants courts which provide courteous assistance to citizens using the courts; which affordably and efficiently process the cases before them; and which have judges who are trained in family law and sensitive to the psychological and emotional impact of the litigation they hear. These elements of a user friendly court process need to be integrated into the court system.

## RECOMMENDATIONS

The Family Court Pilot Project sought to determine whether the pilot courts, with their revised areas of jurisdiction and responsibility, altered methods of appeal, and experienced judges and court personnel, could provide a more accessible and responsive forum for the just resolution family law disputes. Based on the project's findings and conclusions, recommendations are offered to improve the current methods of adjudicating child and family-related cases in Virginia. These recommendations are intended to be viewed as guiding principles which should be incorporated in the structure and procedures of Virginia's court system.

1. There should be one trial court which has comprehensive jurisdiction over child and family-related legal issues.

Family law is composed of legal issues and psycho-social relationships. Our current family law procedures and the court structure for applying these procedures do not balance these two elements. A comprehensive family court is needed to consolidate within one structure the resolution of legal issues with their psychological and social ramifications. The current fragmentation of multiple family problems forces families to resolve conflicts in a system which is ill-equipped to address the underlying causes of their crises. This fragmentation is exacerbated by the large number of cases in which families are before the court for several different legal actions. A court with full jurisdiction should be constituted so that it has before it all relevant legal issues requiring resolution for a family and all the facts germane to the decisionmaking process. This structure would eliminate duplicative court hearings and the attendant misuse of litigant and court resources.

The new trial court should, at a minimum, include all matters currently within the jurisdiction of the juvenile and domestic relations district court as set out in § 16.1-241 of the Code of Virginia. It should also include jurisdiction over divorce, annulment and affirmation of a marriage, separate maintenance, adoption, change of name, as well as custody, visitation, support and property matters incidental thereto.

2. Wherever possible, the adversarial nature of our legal practices and procedures in the resolution of family law conflicts should be reduced. Litigants should have available dispute resolution methods which reduce hostility, address the underlying causes of the dispute, promote cooperation and communication, and restore a sense of control to the parties.

Our present legal practices and procedures do not serve the family, the client of the court system in family law matters, when conflicts are exacerbated by a system intended to resolve them. The goal of the legal system in these sensitive family matters must be to resolve the dispute and not just decide the case before the court. Resources outside the formal, legal adversarial proceedings must be developed and utilized to achieve this result.

The court system should offer a range of options for dispute resolution, so that the best method for resolving differences can be obtained by the parties. These options can include traditional adjudication but also need to embrace non-traditional dispute resolution alternatives, such as mediation, counseling, and conciliation. The courts should be actively involved in referring family law disputants to these services to encourage their use and development. Significant support for the use of a variety of dispute resolution processes exists among members of the bar who are engaged in family law practice and judges who adjudicate child and family-related cases.

Judges who are trained not only in family law but in the psychological aspects of divorce, developmental needs of children, and the nature of conflict in the break-up of families can best deal with the sensitive nature of family law issues. A court system which is organized to enhance professional excellence in family law decisionmaking will provide the highest quality resolution of these disputes.

3. The use of commissioners in chancery in family law matters should be limited and ultimately abolished.

To achieve a quality resolution of child and family-related disputes, the court system must have capable and impartial judges who are familiar with all aspects of the conflicts brought before them and with the various means, in addition to the adversarial process, of resolving family crises. Litigants whose cases are referred to commissioners in chancery incur delay and additional costs beyond those of the direct court proceedings. Available data indicates that the use of commissioners can double the length of time required to conclude a divorce suit. Of equal importance is the fact that litigants are also denied equal access to court services when in other localities and in other case types only elected judicial officials adjudicate legal disputes. The referral of family law questions to quasi-judicial officials detracts from the importance of the issues involved.

A comprehensive court for resolving child and family-related cases must be supported by trained and experienced judges who are sensitive to the psychological impact of litigation on the parties and, where involved, the children. Commissioners in chancery are by their nature part-time officials who do not necessarily have the knowledge and training available to full-time judges. The use of commissioners fosters the perpetuation of the adversarial system and forces the parties to be passive recipients of imposed legal settlements.

4. Trial court decisions in child and family-related cases should be appealed on the record as a matter of right to the Court of Appeals. The right of a trial de novo on appeal in such cases should be abolished.

Providing finality in the resolution of child and family-related conflicts is critical to reorganizing the family unit after the legal action and to re-establishing stability and continuity for the adults and children involved. A court process which affords one trial on the record on the merits of all family law issues before the court where the issues are clearly and seriously

presented has significant benefits. Such a process reduces the financial and emotional burden on the litigants by eliminating multiple trials and their attendant inconvenience, delay, uncertainty and psychological trauma. One trial where the justiciable issues are clearly established can result in more informed decisions by the judge and can enhance the acceptance of the court's judgment.

Available evidence suggests that lawyers are better prepared when representing clients in cases on the record and that such proceedings are more satisfactory to the litigants. Even though attorneys may like a second opportunity to present their clients' cases, they acknowledge that the outcomes of these retrials are not substantially different from the original judgments. When family legal matters are addressed by experienced and knowledgeable judges in an integrated, timely and decisive manner, the goal of providing a responsive forum for the just resolution of family law disputes can be reached.

5. A comprehensive court which adjudicates all family law cases should be easily accessible, affordable, user friendly and expeditious for all who desire and are required to use it.

A broad range of the public uses the court system to resolve child and family conflicts. Participation in non-divorce suits is frequently without the benefit of legal counsel. Establishing a court structure which is simple and utilizing legal procedures which are simple and are presented in clear language can make citizens' involvement more meaningful and enhance their acceptance of the court's resolution of their disputes.

The high degree of litigant satisfaction with the pilot juvenile courts indicates that in family law cases the public wants a court which is easily accessible and reasonably affordable; has judges and court personnel who are courteous and responsive to the public; has before it at the time the litigant appears all relevant issues requiring resolution; delivers timely case decisions; and has judges who are trained and experienced in all aspects of family law and dysfunction.

6. The previous five recommendations should be implemented by transferring from the circuit court to the juvenile court jurisdiction over all family matters. This jurisdiction includes divorce, annulment or affirmation of marriage, custody, visitation, support, determination of parentage, termination of parental rights, change of name, separate maintenance, adoptions, petitions regarding records of birth, and appointment and supervision of guardians of the person of a child. Appeals of these cases would be on the record to the Court of Appeals. Criminal jurisdiction (delinquency, adult criminal, traffic, etc.) would remain not of record, with appeals de novo to the circuit court. The juvenile and domestic relations district court would be renamed the Family Court

This recommendation embodies the principles of the first five recommendations arising out of the Family Court Pilot Project.

## IMPLEMENTATION PLAN

The Judicial Council proposes to implement the six recommendations arising out of the Family Court Pilot Project through a series of actions. These actions address revising the current court structure and its procedures; planning and providing for the personnel and financial resources required to support this structure; and funding improved services for the families and children who come before the courts.

### Court Structure

The principles of the Judicial Council's recommendations should be implemented by transferring from the circuit court to the juvenile court jurisdiction over all family matters. This jurisdiction includes suits for divorce and annulment or affirmation of a marriage; petitions for custody, visitation, support, determination of parentage, termination of residual parental rights, change of name, separate maintenance, and petitions regarding records of birth; and appointment and supervision of guardians of the person of a child.

Appeals of these cases should be on the record to the Court of Appeals. Criminal jurisdiction (delinquency, adult criminal, traffic, etc.) would remain not of record, with appeals de novo to the circuit court.

The juvenile and domestic relations district court would be renamed the Family Court. Juvenile court judges and the clerks and personnel currently in the juvenile court clerks' offices would serve in the Family Court, after appropriate training to be provided by the Judicial Council of Virginia.

The Judicial Council will pursue amending the Rules of the Supreme Court of Virginia to provide for the appropriate conforming changes necessary to effect the Family Court.

### Personnel and Financial Resources

The expanded jurisdiction of the new Family Court will require additional family court judgeships, clerks' office positions and mediators. The Office of the Executive Secretary of the Supreme Court of Virginia has studied the extent of the need for additional personnel. Several methods have been employed in order to obtain the best estimate of the resource requirements. Appendix H to this report details the financial impact of the family court proposals as best it could be determined at this time.

This impact study shows that the required new resources would cost approximately \$7.5 million annually. It is proposed that revenue be generated to offset these costs by a \$3.00 increase in district court filing fees in civil cases and processing fees in traffic and criminal cases.

Several important assumptions were made in determining the estimated annual cost of the new family court system. No reduction in circuit court judgeships or in employees in the circuit court clerks' offices is proposed. The loss of the domestic relations workload will allow circuit court judges to return to a manageable caseload similar to that experienced ten years ago. It should also slow future growth of the need for new circuit court judgeships. Similarly, it has long been acknowledged that circuit court clerks' offices have been understaffed to handle their workload. Maintaining their current position levels will permit these clerks to more effectively process circuit court cases, provide better service to the public, and slow the need for new positions in the near future.

It is projected that approximately 25 new Family Court judges and 90 new court employees will be needed for the Family Court. Approximately 68 mediators will be required on a statewide basis to provide the capacity to have mediated any contested civil matter in the Family Court where the parties so agree.

#### Timeframes for Legislative Action and Local Plans

Legislation will be introduced in the 1993 Session of the General Assembly to implement the recommendations of this report with an effective date for the Family Court structure of January 1, 1995. To prepare for the statewide system of Family Courts, several steps should be taken.

During 1993, the Chief Circuit Court Judge and Chief Juvenile and Domestic Relations District Court Judge should be required to develop jointly a plan for establishing a Family Court in their circuit. This planning process should involve the Circuit Court Clerk, Juvenile Court Clerk and Court Service Unit Director, interested members of the local bar and others concerned with better court service to the community. This effort would be supported by the Office of the Executive Secretary. Each circuit's plan should address the need for new judges, court personnel, equipment and facilities and relevant issues in the transition to the new court. These individual implementation plans will provide a vehicle to ensure that all resource and procedural issues are covered.

These plans would be submitted to the Judicial Council during the fall of 1993. The Council would then make recommendations to the 1994 Session of the General Assembly based on the circuit plans and include relevant fiscal needs in the 1994-1996 budget for the judiciary. It is proposed that the previously referenced fee increases become effective July 1, 1994, to permit the funding of needed personnel and the provision of training during the first six months of the fiscal year. The new Family Court system would then be staffed and ready to operate fully on January 1, 1995.



**Appendix A**

**CASE AND DEMOGRAPHIC  
CHARACTERISTICS OF COURT LITIGANTS**

**Prepared for the**

**Judicial Council of Virginia**

**by**

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# CASE AND DEMOGRAPHIC CHARACTERISTICS OF COURT LITIGANTS

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## I. CASE CHARACTERISTICS

### A. Method of Data Collection (Tables 1 and 2)

Information was collected on parties involved in litigation in the pilot Family Courts, control Juvenile Courts, and control Circuit Courts to determine who uses the courts to hear family issues. The period covered by this data collection effort was January 1, 1990 through March 1, 1992. A total of 35,798 data sheets was collected during the project. A sample data sheet can be found in Attachment A.1 to this paper.

This analysis is based on a sample of 22,903 data sheets completed for litigants primarily by court staff, with some assistance from litigants' lawyers. The seventeen tables and one figure which summarize the information accumulated from the data sheets can be found in Attachment A.2 to this paper. Table 1 shows the number of data sheets returned from each pilot and control court participating in the project. One data sheet represents one case.

Table 2 presents the types of cases by type of court. Four categories of courts were used in the experimental design: Pilot Juvenile and Domestic Relations, Pilot Circuit, Control Juvenile and Domestic Relations, and Control Circuit. These categories of courts were further subdivided into rural and urban.

### B. General Case Types

Case types covered in the experiment include most cases involving the family: custody, visitation, child support, spousal support, termination of parental rights, child in need of supervision/services, delinquency, spouse abuse, criminal offense between spouses, and child abuse or neglect. In Virginia, when these cases are not ancillary to a divorce suit filed in Circuit Court, they are usually heard by the juvenile and domestic relations district courts (J&DR). All J&DR courts participating in the experiment retained this basic jurisdiction. J&DR courts designated as family courts (pilot courts) were also given jurisdiction over cases of divorce and annulment or affirmation of marriage.

Circuit court, the court of general jurisdiction in Virginia, has jurisdiction over many types of civil and criminal cases, including torts, contracts, real property rights and felonies. In addition, the circuit court has jurisdiction over divorces and adoptions. Because only cases involving the family are involved in the experiment, most types of cases heard by circuit courts are not included in the tables showing the composition of court caseloads. Comparisons between J&DR courts and circuit courts may be unbalanced because divorces comprise only a small proportion of the cases reported on the data sheets for the J&DR family courts (11.1% in

urban areas and 6.1% in rural areas), but are the only major family case heard by circuit courts. Circuit courts serving as the control group in this experiment have the same jurisdiction as other circuit courts. Circuit courts serving as family courts for purposes of this experiment also had jurisdiction over other types of related cases involving the family in divorce: children in need of supervision, delinquency, spouse abuse, criminal offenses between spouses and child abuse or neglect. Forty-five percent of the J&DR cases evaluated in the project, regardless of whether such courts are serving as family courts or control courts, are custody cases and another 37% are child support cases.

### C. Related Cases (Tables 3 through 5a)

#### Analysis by Case Type

Table 2 shows that issues involving the family and children were divided into two sections. The top section contains a listing by court type, of all custody, visitation, child support, spousal support, termination of parental rights, divorce, and affirmation or annulment cases for which data sheets were received. In addition to these cases, it was determined that an analysis of other related family and child cases was important in determining whether those cases were of sufficient numbers to be considered as necessary for inclusion in the general jurisdiction of courts handling divorces. This information will assist in determining whether it is important for one court to be able to handle on a comprehensive basis all of the issues affecting one family which require adjudication. The bottom section of Table 2 thus shows the number of related cases which involve children in need of services, delinquency, spouse abuse, criminal offenses between spouses, and child abuse/neglect. Because data sheets were obtained for related cases pending only during the period for which the cases in the top section of Table 2 were active, the "time window" to capture such cases was small, usually a matter of a few months. The result is that very few related cases are shown on the table. Except in the area of spouse abuse, related cases in all courts were less than 1% of the total.

For a proper evaluation, it was necessary to expand the "time window" and capture related cases that were filed before, during, and after the divorce. A separate supplemental survey was therefore conducted of related cases initiated from January 1, 1988 (the date the automatic tracking system came on line) through December 31, 1991. This involved manually pulling the divorce file, extracting the names of the parties and children and cross-checking those names for related cases in the court index for the period in question. A sample related cases worksheet used by the pilot courts to collect this information can be found in Attachment A.1 to this paper. The City of Chesapeake and Loudoun County surveyed 100% of divorces handled by the Family Court during the pilot project. The other project courts (Albemarle, Alexandria, Fairfax, Lynchburg, Mecklenburg, Roanoke City, Roanoke County and Smyth) made a survey of 25% of randomly selected divorces. The results of this survey give a strikingly different picture from that obtained in the original analysis of related cases based on the data sheets.

As shown on Table 3, of the 802 divorce cases in the supplemental survey, 160 or 20% had one or more related cases. Of note is the fact that the rural J&DR and circuit pilot courts

had greater percentages of related cases, 22% and 25% respectively, than did their urban counterparts with 19% and 14%. The second part of Table 3 shows the number of related cases associated with each divorce case. For instance, in the urban J&DR sample there were 21 divorce cases that had two related cases each. The third part of Table 3 analyzes the total number of related cases associated with the 802 divorces. The case type with the number of cases before the divorce filing and the number after the filing for the test period are shown as are the gross number of hearings by court type. To illustrate: in the urban pilot J&DR courts there were 59 custody filings before the divorce and 9 after the divorce was initiated. For all court types there were 169 custody filings. There were a total of 634 related cases and 1,320 hearings.

One has a better picture of the magnitude of the number of related cases when the results from the sample courts are projected for the Commonwealth as a whole. When considering that there were 634 related cases associated with 802 divorce suits involving a total of 1,320 hearings, some very significant projections can be made. Of the 33,940 divorce cases reported in 1991 in the State of the Judiciary Report, approximately 6,771 of these divorces would have had related cases associated with them. The 6,771 divorces would have resulted in an estimated 26,830 related cases and 55,861 hearings.

Of equal note is that a divorce filing does not end contact with the courts as 164 cases occurred after the divorce was filed which represents 26% of the total related cases. As shown in Table 3, there were 470 cases out of a total of 634 related cases or 73% which were heard prior to the divorce being filed. The bar graph below shows the total number of divorces in the sample, the total of related cases and a break down of whether the related cases were filed before or after the divorce.

Sample Survey of Family Court Divorces

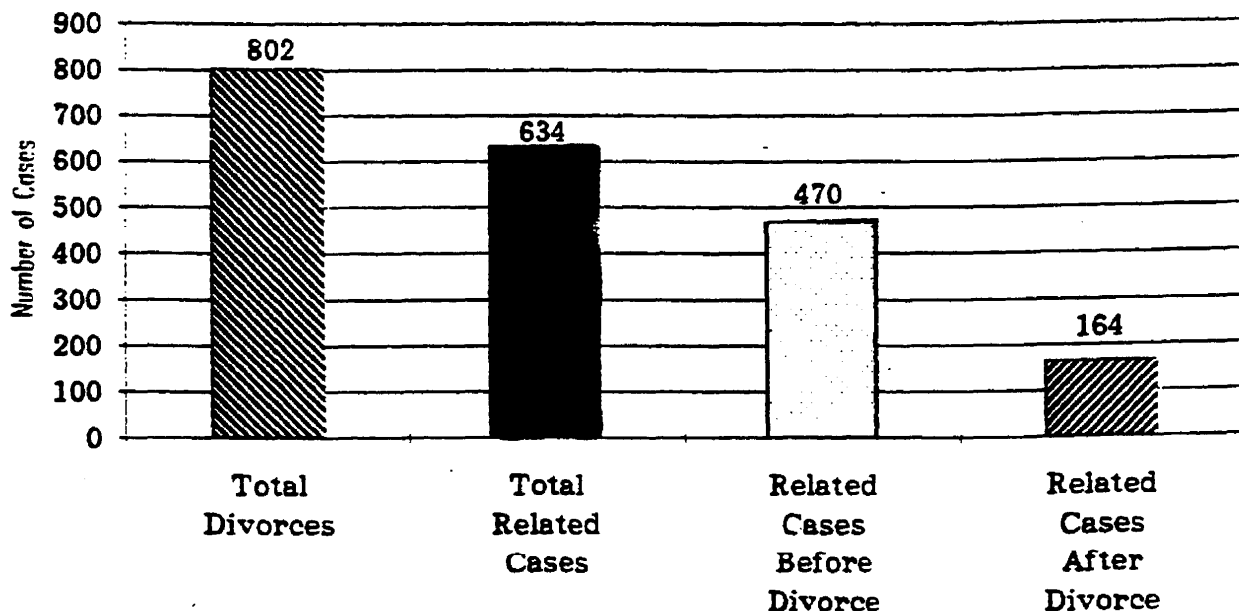
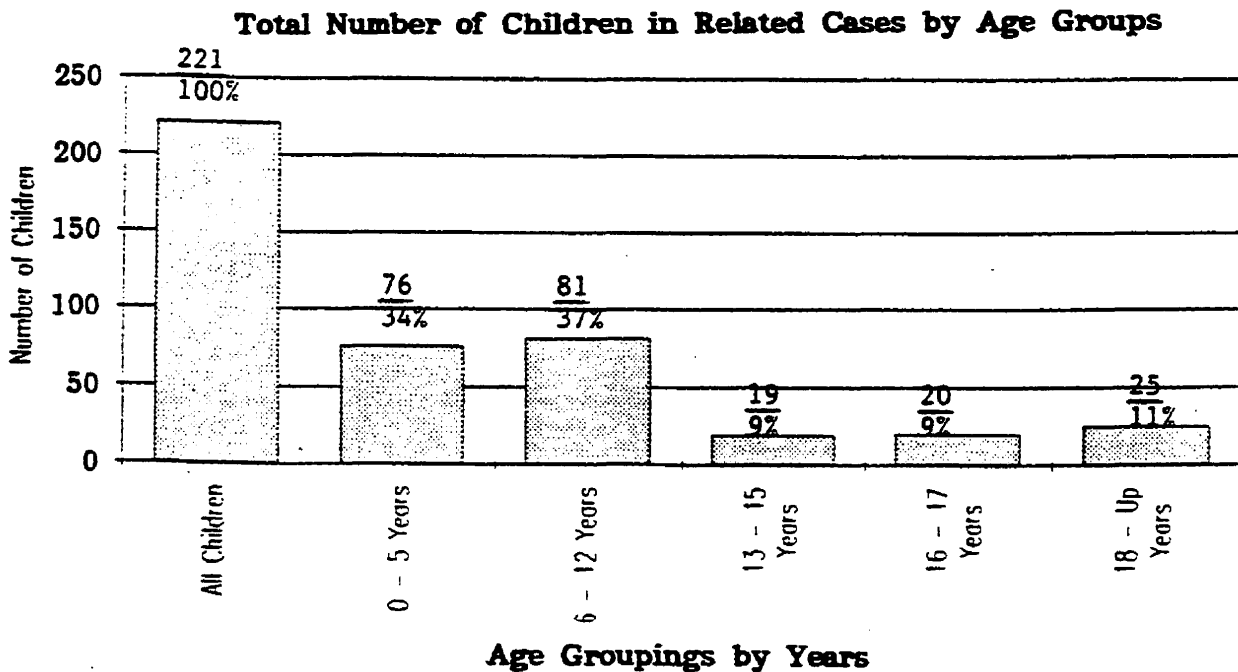


Table 3 shows that custody (169 cases), child support (153 cases), and adult intra family criminal offenses (133 cases), amounted to 72% of the total related cases. Of these 455 cases, a full 98 or 22% were initiated after the divorce filing. The relationship of having children to the frequency of related cases is clearly demonstrated on Tables 4 and 5. Only 7% of divorces without children had related cases as compared to 34% of those with children. There were 130 cases of divorce including children which also involved related cases. There were a total 571 related cases and 1,189 hearings associated with those divorces. As with the overall sample, custody (167 cases), child support (146 cases), and adult intra family crimes (103 cases), formed the bulk of the case total (73%). Disturbingly, 154 of the total of 571 cases in this category or 27% were cases filed after the divorce was initiated.

**Analysis by Number and Age of Children**

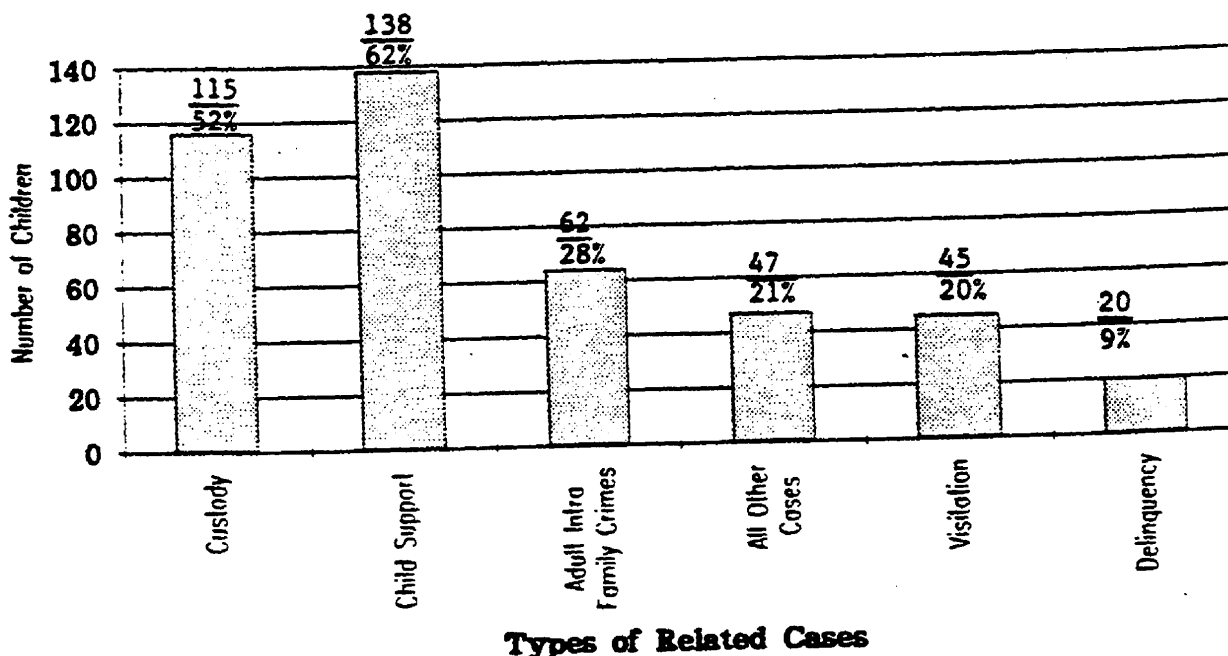
After determining the number and type of related cases with children, the number and age of the children who were affected by those cases was analyzed. When these related cases are examined, it is seen that one child may be associated with several different types of related cases, such as a combination of custody, visitation and child support. Table 5(A) is a grouping of case types, either singularly or in combinations, in which one or more children are affected by that particular case grouping. The table shows that from the 130 divorces involving children, 221 children were affected by related cases. The lefthand columns show the various combinations of case types. Next follows the cumulative total of children and then a break down by age brackets (0-5, 6-12, 13-15, 16-17, and 18 and up). As an example of the 221 children, 47 were affected by cases in which the combined issues were custody and child support. On the other hand, there were 11 children involved where custody was the only issue.

The following bar graph demonstrates that young children between 0-12 years comprise the majority (71%) of the children in these related cases.



It is instructive to determine the number of children involved in a particular case type irrespective of whether other types of cases are involved. To do this, it is necessary to combine the subtotals of children shown on Table 5(A) for each time those children were involved in that case type. It is seen that there were 138 children affected by child support related cases or 62% of the total of 221 children. The numbers of children for other case types is shown. It should be noted that the percentage of children involved in delinquency probably understates the effect of divorce in this area because of the relatively narrow time period from which the sample was taken. It is further observed that the majority of children in the related case survey were in the age group 0 to 12 years, and thus, they are generally too young to have become involved in delinquent behavior.

**Total Number of Children Affected by Specific Case Types**



When the foregoing findings are projected on a statewide basis, it is estimated that in 1990 of the 32,722 divorces in Virginia that approximately 5,304 of those divorces involved related cases affecting 9,016 children. The 33,940 divorce cases reported in 1991 would have included approximately 5,498 divorces with related cases affecting 9,353 children.

## II. DEMOGRAPHIC CHARACTERISTICS OF LITIGANTS

In this section of this paper, the characteristics of litigants recorded on the data sheets are outlined. This serves to inform the reader not only about the type of people who bring family matters to court, but also about the characteristics of the sample.

### A. Person Who Initiates the Petition or Complaint (Table 6)

The "mother/wife" is the petitioner/complainant in approximately 60% of the cases in circuit courts. Table 6 shows that the proportion does not vary much between pilot and control circuit courts or between rural or urban courts. The reader is reminded that in this sample cases heard in the circuit court are almost exclusively divorce cases. Fathers initiated about 40% of the divorce petitions in circuit court.

The proportion of cases initiated by mothers/wives more nearly approximates 50% in J&DR courts. The reason for this is that agencies, primarily child support agencies, are involved in other types of domestic disputes. Of the 2,878 cases initiated by an agency, over 90% (2,624) were initiated by child support enforcement agencies. Put another way, 40% of the 6,555 child support cases were initiated by a child support enforcement agency and about 42% (2,756) were initiated by a mother. Child support agencies were more likely to be the petitioner in the urban control J&DR courts than in the rural control J&DR reports. Other agency initiated cases involved: child custody (79), termination of parental rights (74) and child abuse or neglect (71). Fathers initiated court action in 17% to 25% of the cases in J&DR court, and other family members initiated about 10% of the petitions in J&DR court.

### B. Race or Ethnicity of Litigants (Tables 7 and 8)

Approximately a third of the litigants involved in disputes brought before J&DR courts (pilot and urban control courts) are African-American, in contrast to about 10% of the parties to divorce suits brought to circuit courts. Table 7 shows that most other litigants are non-Hispanic Caucasians. The proportion of Native Americans, Asian or Pacific Islanders, and Hispanics in the sample is less than one percent in all courts except the experimental family courts in urban areas (Alexandria and Fairfax in Northern Virginia) and, for urban control circuit courts also in Northern Virginia (Arlington, Alexandria, and Fairfax). Even in these urban courts, it is less than 5%.

Table 8 compares the race/ethnicity characteristics of litigants who appear in either the pilot J&DR court or either circuit court type for divorce cases only. When only divorce cases are considered, the proportion of African-Americans appearing in J&DR family courts is similar to those in circuit courts. The disproportionately large percentage of cases in J&DR family courts involving African-Americans may be the result of the wider jurisdiction over family matters of the juvenile court. It is not necessarily a commentary on the relative attractiveness of J&DR court versus circuit court.



### C. Income (Tables 9 and 10)

Table 9 could be interpreted to imply that people who litigate in J&DR courts are poorer than people who litigate in circuit court. Because much of the data on income of the participants in domestic relations disputes are not reported, no definite conclusions about income and litigation in family matters can be drawn. In some types of court, as many as half of the litigants are not accounted for in the income levels. It is not possible, therefore, to state that those litigants who are accounted for are representative of the income levels of all court litigants.

With this caveat, however, Table 9 shows that, except for control J&DR courts, mothers' incomes under \$9,999 are more prevalent in rural than urban locations. Table 9 also shows that most male litigants for whom income figures are provided have incomes between \$10,000 and \$24,000. The figures further show that greater percentages of female litigants have incomes of less than \$10,000 than do their male counterparts.

When only divorce cases are considered, the percentage of unreported income decreases slightly, and the income of families in the family court more closely resembles the income of litigants in circuit court (Table 10).

### D. Primary Language (Table 11)

English was reported as the primary language for most litigants (between 68% and 95%). Table 11 also shows that the proportion of Spanish-speaking litigants in the sample was very small in all courts except the pilot J&DR and control circuit courts in urban areas (primarily Northern Virginia).

### E. Number of Children Involved (Table 12)

Children were involved in 43% of the divorce cases handled in both the pilot and control circuit courts (Table 12). In the pilot J&DR courts, 38% of the divorce cases were reported to have litigants with one or more children. (These percentages may underreport the number of children born to couples, because divorcing couples with grown children may report no children involved.) In contrast, 93% of the entire sample of J&DR cases, whether divorce or otherwise, involved litigants with one or more children.

### F. Representation by Counsel (Tables 13 and 14)

The striking feature of Table 13 is that in over 90% of the cases in both the control and pilot circuit courts, one or both of the litigants were represented by counsel. This is contrasted with the J&DR courts where the urban and rural pilot courts had 42.5% and 44.3% of the cases where neither party was represented by counsel. The control J&DR courts showed an even higher percentage of cases where counsel was absent: 73.9% for urban and 51.2% for rural. To determine whether this difference is due to the type of court or to the type of case, another analysis was done for divorce cases only in these courts.

Table 14 shows that people who initiate divorce suits are very likely to be represented by counsel, regardless of whether the case is filed in a J&DR pilot court or a pilot or control circuit court. In most of these courts, over 90% of litigants have counsel (percentages with both parties represented plus petitioner or defendant presented). One conclusion that can be reached from this information is that the nature of the suit determines whether or not a litigant is represented by counsel, not the type of court in which the case is filed.

### **III. IMPLICATIONS FOR FAMILY COURTS**

One method of evaluating the effectiveness of family courts versus the current court organization is to determine which type of court provides better service to litigants. This is difficult to measure solely on the basis of the data sheets. From the information contained on the data sheets collected for this project, however, inferences can be made based upon the number of hearings and case processing times. Data is also presented on the use of services.

#### **A. Number of Hearings (Tables 15 and 16)**

The number of hearings can be used as an indicator of the relative complexity of court procedures. Table 15 shows the number of hearings by type of court. Most family matters require only one hearing, except in the urban control circuit courts, where most cases require three hearings. It may be that some types of cases require significantly more hearings than other cases. Accordingly, the average number of hearings by type of court was calculated for each type of case. Table 16 shows that child abuse and neglect cases, criminal offenses between spouses, delinquency cases, and termination of parental rights cases require more hearings than other cases involving the family. This conclusion should be viewed with caution since many of these averages are based on a comparatively small number of cases.

Table 16 shows that the presence of commissioners in chancery in the Alexandria, Arlington, Chesapeake, Fairfax and Loudon sites are the reason that the urban control circuit courts have more hearings per case than other courts. Use of commissioners makes two hearings per case almost inevitable, because a referral to a commissioner was counted as a hearing in this project. By calculating the average number of hearings per case separately for sites that use commissioners and sites that do not, Table 16 clearly shows that it is the presence of commissioners that accounts for the difference in the number of hearings.

#### **B. Case Processing Time (Figure 1)**

A technique called "box and whiskers plots" is a good way to compare case processing times among courts (Figure 1). The box represents the time from filing to disposition for the middle half of the cases. The greater the differences in processing times of the "average" cases the taller the box. The line in the center of the box shows the median case—exactly one half of the cases have a faster processing time and half of the cases have a slower processing time than this case. The whisker at the top of the box shows the 90th percentile and represents the time it takes to process the "toughest" or at least the longest cases. Because some proceedings over

which the court has little control are usually long or complex, it is unfair to base a judgment of processing time on special cases. The 90th percentile provides a measure of the time it takes a court to process 90% of its caseload.

How does time from filing to disposition in family court compare to case processing time in the control courts? Because control courts hear only divorce cases and the type of case makes a difference in case processing times, the comparison should be among time to disposition for divorce cases only. In divorce cases, the median time to disposition in rural courts is fairly similar, although the pilot J&DR courts take slightly longer to process the more complex cases. With respect to the urban courts, the pilot J&DR and pilot circuit courts have similar median case processing times, and these are shorter than the median time in the control circuits. Figure 1 divides the control circuit courts into those which use commissioners in chancery and those which do not. Cases that use commissioners take longer to process.

### **C. Use of Services (Table 17)**

So few cases in either the control or pilot courts used court services, either because clients were unaware of the services or because services were unavailable, that use of services cannot be used to evaluate the comparative differences between pilot and control courts (Table 17).

It should be noted that the family court experiment did not result in the creation of new services. It is also possible that the clerks who completed the data sheets were not aware of the services used by litigants.

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**Acknowledgements:** The author gratefully acknowledges the assistance of Ken Mittendorff, Director, Management Information Systems, Office of the Executive Secretary, Virginia Supreme Court; Chris Lomvardias, former NCSC staff member who did the computer runs; Carol Flango who prepared the tables; and Pamela Petrakis who formatted and typed this report.

**Attachment A.1**

**Sample Data Sheet and Related Cases Worksheet**

**Table 1**

**Sex of Respondent by Court**

	Pilot		Control		Total
	JDR	Circuit	JDR	Circuit	
Male	487	39	367	393	1286
Female	741	59	211	320	<u>1331</u>
					2617

---

The totals for the litigant characteristics on this table and Tables 2,3 and 4 do not account for 100% of the litigant surveys which were returned and analyzed because all responding litigants did not answer all of the questions on the survey.

Table 2

Race of Respondent by Court

	Pilot		Control		Total
	JDR	Circuit	JDR	Circuit	
Caucasian	901	78	432	632	2043
African American	225	11	121	38	395
Native American	33	5	17	8	63
Hispanic	33	0	1	17	51
Asian American	31	0	0	13	44
Other	14	2	5	6	<u>27</u>
					2623

# SUPREME COURT OF VIRGINIA: DATA SHEET FOR FAMILY COURT PROJEC

## TO BE COMPLETED BY THE CLERK

001 A. 

--	--	--	--

 CODE ..... Court in which case was initiated

005 B. CASE NO.: .....

025 C. DATE CASE INITIATED:

Mo	Day	Year
<table border="1" style="display: inline-table; width: 30px; height: 20px;"></table>	<table border="1" style="display: inline-table; width: 30px; height: 20px;"></table>	<table border="1" style="display: inline-table; width: 30px; height: 20px;"></table>

## TO BE COMPLETED AT CASE INITIATION

### D. TYPES OF CASES:

	This Case	Related cases where same family members are involved:	
		Pending	Closed
031 <input type="checkbox"/> Custody	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
034 <input type="checkbox"/> Visitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
037 <input type="checkbox"/> Child support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
040 <input type="checkbox"/> Spousal support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
043 <input type="checkbox"/> Termination of parental rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
046 <input type="checkbox"/> Divorce	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
049 <input type="checkbox"/> Affirmation/annulment of marriage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-----			
052 <input type="checkbox"/> Child in need of supervision/services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
055 <input type="checkbox"/> Delinquency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
058 <input type="checkbox"/> Spouse abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
061 <input type="checkbox"/> Criminal offenses between spouses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
064 <input type="checkbox"/> Child abuse or neglect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## TO BE COMPLETED AT CASE INITIATION

### E. IDENTITY OF PETITIONER/COMPLAINANT:

- 067
- 1  Mother/Wife
  - 2  Father/Husband
  - 3  Other Family Member
  - 4  Agency (ex.: CSU, DSS)
  - 5  Law Enforcement
  - 6  Other

### F. FAMILY DATA:

	<u>Mother/Wife</u>	<u>Father/Husband</u>
<b>Race/Ethnicity</b>		
069 1 <input type="checkbox"/> White		069 1 <input type="checkbox"/>
2 <input type="checkbox"/> Afro-American		2 <input type="checkbox"/>
3 <input type="checkbox"/> Native American		3 <input type="checkbox"/>
4 <input type="checkbox"/> Hispanic		4 <input type="checkbox"/>
5 <input type="checkbox"/> Asian/Pacific Islander		5 <input type="checkbox"/>
6 <input type="checkbox"/> Other		6 <input type="checkbox"/>
<b>Gross Income</b>		
070 1 <input type="checkbox"/> \$ 9,999 and under		071 1 <input type="checkbox"/>
2 <input type="checkbox"/> \$10,000 to 24,999		2 <input type="checkbox"/>
3 <input type="checkbox"/> \$25,000 to 49,999		3 <input type="checkbox"/>
4 <input type="checkbox"/> \$50,000 and over		4 <input type="checkbox"/>
<b>Primary Language</b>		
072 1 <input type="checkbox"/> English		073 1 <input type="checkbox"/>
2 <input type="checkbox"/> Spanish		2 <input type="checkbox"/>
3 <input type="checkbox"/> Other (Specify below)		3 <input type="checkbox"/>
074 _____		082 _____

### G. CHILDREN'S BIRTH DATES:

	Child	Month	Day	Year
090	1			
095	2			
100	3			
105	4			
110	5			
115	6			

**TO BE COMPLETED BY THE COURT**

H. Was the primary residence of any child changed by court order during this trial process?

Yes  No

**I. REPRESENTATION BY COUNSEL/GUARDIAN AD LITEM:**

	Trial	Appeal to Court of Appeals	
27	<input type="checkbox"/>	<input type="checkbox"/>	Both Parties represented
28	<input type="checkbox"/>	<input type="checkbox"/>	Petitioner represented
29	<input type="checkbox"/>	<input type="checkbox"/>	Defendant represented
30	<input type="checkbox"/>	<input type="checkbox"/>	Neither parties represented
35	<input type="checkbox"/>	<input type="checkbox"/>	Children represented
37	<input type="checkbox"/>	<input type="checkbox"/>	Children <u>not</u> represented

**J. SERVICES:**

	Accepted	Refused	
38	<input type="checkbox"/>	<input type="checkbox"/>	Mediation
41	<input type="checkbox"/>	<input type="checkbox"/>	Counseling
42	<input type="checkbox"/>	<input type="checkbox"/>	Investigation
43	<input type="checkbox"/>	<input type="checkbox"/>	Other:
			<u>146</u> _____

CASE NO.: .....

K. Jurisdiction divested by filing of divorce in Circuit Court

Yes  No

**L. DATE APPEAL FILED/NOTED:**

Mo Day Year

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------	----------------------

**M. TYPE OF APPELLANT:**

1  Mother/ Wife  
 2  Father/ Husband  
 3  Other Family Member  
 4  Child  
 5  Agency  
 6  Other:

**N. DATE APPEAL CONCLUDED IN COURT OF APPEALS:**

Mo Day Year

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------	----------------------

Return completed forms to:

Supreme Court of Virginia, Dept. FC  
 100 North Ninth Street, Third Floor  
 Richmond, Virginia 23219

**O. TRIAL CASE PROCESSING:**

	Hearing	Month	Hearing Dates			Court	Judge	Hearing Type	Cont'd: Y/N
			Day	Year					
0	First								
2	Second								
1	Third								
2	Fourth								
2	Fifth								
1	Sixth								
1	Seventh								
1	Eighth								
1	Ninth								
1	Tenth								
1	Eleventh								
1	Twelfth								



**SUPREME COURT OF VIRGINIA: FAMILY COURT PROJECT**

**RELATED CASES WORKSHEET FOR DIVORCE CASES  
(Only Consider Cases From January 1, 1988 - December 31, 1991)**

801 A.    /   /   /    \_\_\_\_\_  
CODE Court in which case was initiated

802 B. CASE NO: \_\_\_\_\_

803 C. DATE DIVORCE CASE FILED IN  
 CIRCUIT COURT:    /   /   

E. RELATED CASES FILED AFTER JAN. 1, 1988  
 AND PRIOR TO FILING OF THE DIVORCE  
 CASE.

	CASE TYPE	# OF CASES	# OF HEARINGS
811	( ) CUSTODY	( )	( )
812	( ) VISITATION	( )	( )
813	( ) CHILD SUPPORT	( )	( )
814	( ) SPOUSAL SUPPORT	( )	( )
815	( ) TERMINATION OF PARENTAL RIGHTS	( )	( )
816	( ) CHILD IN NEED OF SUPERVISION/SERVICES	( )	( )
817	( ) DELINQUENCY	( )	( )
818	( ) SPOUSE ABUSE	( )	( )
819	( ) INTRA-FAMILY CRIMINAL OFFENSES		
	ADULT	( )	( )
	JUVENILE	( )	( )
820	( ) CHILD ABUSE OR NEGLECT	( )	( )

D. WERE CHILDREN IN THE FAMILY ?

821 YES ( ) NO ( )

IF YES, CHILDREN'S DATE OF BIRTH

Children's Date of Birth

822 A.    /   /   

823 B.    /   /   

824 C.    /   /   

825 D.    /   /   

826 E.    /   /   

F. RELATED CASES FILED AFTER THE DIVORCE  
 CASE.

	CASE TYPE	# OF CASES	# OF HEARINGS
116	( ) CUSTODY	( )	( )
121	( ) VISITATION	( )	( )
126	( ) CHILD SUPPORT	( )	( )
131	( ) SPOUSAL SUPPORT	( )	( )
136	( ) TERMINATION OF PARENTAL RIGHTS	( )	( )
141	( ) CHILD IN NEED OF SUPERVISION/SERVICES	( )	( )
146	( ) DELINQUENCY	( )	( )
151	( ) SPOUSE ABUSE	( )	( )
156	( ) INTRA-FAMILY CRIMINAL OFFENSES		
	ADULT	( )	( )
	JUVENILE	( )	( )
165	( ) CHILD ABUSE OR NEGLECT	( )	( )

THIS PORTION OF FORM IS FOR CLERK USE ONLY IN IDENTIFYING RELATED CASES. AFTER COMPLETION OF THIS FORM PLEASE CUT OFF BOTTOM PORTION OF FORM AND DESTROY (SECTIONS G & H).

G. \_\_\_\_\_  
Complainant's Full Name

\_\_\_\_\_

H. Children's Names Date of Birth

A. \_\_\_\_\_ / /

B. \_\_\_\_\_ / /

C. \_\_\_\_\_ / /

D. \_\_\_\_\_ / /

E. \_\_\_\_\_ / /

**Attachment A.2**

**Summary of Data Sheet Information  
in Tables and Figure**

**TABLE 1**  
**COMPOSITION OF THE SAMPLE BY SITE**

PILOT						CONTROL					
Juvenile and Domestic Relations Court			Circuit Court			Juvenile and Domestic Relations Court			Circuit Court		
Urban			Urban			Urban			Urban		
ID	Sites	N	ID	Sites	N	ID	Sites	N	ID	Sites	N
610F	Alexandria	1625	770F	Roanoke City	136	770	Roanoke City	2802	13C	Arlington	150
59F	Fairfax	4528	181F	Roanoke County	82	151	Roanoke County	870	510C	Alexandria	554
650F	Chesapeake	2242		Total	218		Total	3672	59C	Fairfax	1881
	Total	8395							550C	Chesapeake	521
									770C	Roanoke City	491
									181C	Roanoke County	342
										Total	3919
Rural			Rural			Rural			Rural		
ID	Sites	N	ID	Sites	N	ID	Sites	N	ID	Sites	N
680F	Lynchburg	2180	171F	Mecklenburg	34	117	Mecklenburg	620	115C	Pulaski	220
107F	Loudoun	861	173F	Smyth	59	173	Smyth	444	680C	Lynchburg	234
3F	Albemarle	1340		Total	93	107	Total	1064	109C	Loudoun	250
	Total	4381							3C	Albemarle	229
									173C	Smyth	120
									117C	Mecklenburg	108
										Total	1,181

**TOTAL 22,903**

**NOTE: ID is the Court Identification Number**  
**N = Total number of surveys received from that site.**

**TABLE 2**  
**CASE TYPES BY TYPE OF COURT**

CASE CHARACTERISTICS: Case Types	Pilot								Control							
	Juvenile and Domestic Relations Court				Circuit Court				Juvenile and Domestic Relations Court				Circuit Court			
	Urban		Rural		Urban		Rural		Urban		Rural		Urban		Rural	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Custody	4005	47.7	1697	38.7	-	-	-	-	1556	42.4	597	56.1	-	-	-	-
Visitation	352	4.2	353	8.1	-	-	-	-	390	10.6	73	6.9	-	-	-	-
Child Support	2759	32.9	1841	42.0	-	-	-	-	1620	44.1	335	31.5	-	-	-	-
Spousal Support	165	2.0	64	1.5	-	-	-	-	55	1.5	16	1.5	-	-	-	-
Termination of Parental Rights	54	.6	27	.6	-	-	-	-	18	.5	6	.6	-	-	-	-
Divorce	929	11.1	266	6.1	216	100	93	100	-	-	-	-	3909	99.7	1159	99.8
Affirmation/Annulment of Marriage	7	.001	1	.0	-	-	-	-	-	-	-	-	10	.3	2	.2
Child in Need of Supervision/Services	2	.0	4	.1	-	-	-	-	9	.3	12	1.1	-	-	-	-
Delinquency	7	.001	14	.3	-	-	-	-	4	.1	-	-	-	-	-	-
Spouse Abuse	56	.7	9	1.3	-	-	-	-	9	.3	9	.9	-	-	-	-
Criminal Offense: Between Spouses	19	.2	30	.7	-	-	-	-	9	.3	-	-	-	-	-	-
Child Abuse/Neglect	39	.5	25	.6	-	-	-	-	3	.1	16	1.5	-	-	-	-
<b>Total</b>	<b>6394</b>	<b>100</b>	<b>4381</b>	<b>100</b>	<b>216</b>	<b>100</b>	<b>93</b>	<b>100</b>	<b>3673</b>	<b>100</b>	<b>1064</b>	<b>100</b>	<b>3919</b>	<b>100</b>	<b>1161</b>	<b>100</b>

Note: The bottom portion of this table reflects a significant under reporting of cases noted. See tables 3, 4, and 5 for more accurate statistics on related cases on a sample basis.

Total Cases = 22,903

TABLE 3

TYPES OF RELATED CASES ASSOCIATED WITH SAMPLE OF 802 DIVORCE CASES

	Pilot								Total
	Juvenile and Domestic Relations				Circuit				
	Urban		Rural		Urban		Rural		
	N		N		N		N		
<b>Total Divorce Cases</b>	429		292		57		24		802
<b>Divorce Cases with Related Cases</b>	81		65		8		8		160
<b>Percentage of Divorces with Related Cases</b>	19%		22%		14%		25%		20%
<b>Divorce Cases With Number of Related Cases</b>									
1	30		10		3		2		45
2	21		16		1		2		40
3	10		10		1		0		21
4	8		8		0		0		16
4+	12		21		3		2		38
<b>Types of Related Cases</b>	<b>Prior</b>	<b>After</b>	<b>Prior</b>	<b>After</b>	<b>Prior</b>	<b>After</b>	<b>Prior</b>	<b>After</b>	
Custody	59	9	69	21	2	2	7	-	169
Visitation	11	8	38	29	-	-	-	-	85
Child Support	54	13	50	28	3	3	4	-	153
Spousal Support	6	1	9	7	-	-	-	-	23
Termination of Parental Rights	-	-	-	-	-	-	-	-	0
CHNS	-	-	-	-	-	3	-	-	3
Delinquency	6	7	1	-	-	5	9	-	28
Spousal Abuse	6	-	4	2	1	-	-	-	13
Intra Family Criminal (Adult)	34	7	63	9	9	8	3	-	133
Intra Family Criminal (Juvenile)	-	-	19	3	-	1	-	-	23
Child Abuse/Neglect	3	1	-	-	-	-	-	-	4
<b>Total Number of Cases</b>	179	46	253	96	15	22	23	0	634
<b>Total Number of Hearings</b>	429	85	552	186	9	34	25	0	1320

TABLE 4

TYPES OF RELATED CASES ASSOCIATED WITH SAMPLE DIVORCES WITHOUT CHILDREN

	Pilot								Totals
	Juvenile and Domestic Relations				Circuit				
	Urban		Rural		Urban		Rural		
	N	N	N	N	N	N	N		
Total Divorce Cases	225	152	36	12	425				
Divorce Cases with Related Cases	13	10	4	3	30				
Percentage of Divorces with Related Cases	6%	7%	11%	25%	7%				
<b>Number of Related Cases</b>									
1	7	3	3	2	15				
2	3	2	-	1	6				
3	1	3	-	-	4				
4	2	2	-	-	4				
4+	0	0	1	-	1				
<b>Types of Related Cases</b>									
	Prior	After	Prior	After	Prior	After	Prior	After	
Custody	1	-	1	-	-	-	-	-	2
Visitation	-	-	1	-	-	-	-	-	1
Child Support	1	-	4	1	-	-	1	-	7
Spousal Support	5	1	9	4	-	-	-	-	19
Termination of Parental Rights	-	-	-	-	-	-	-	-	-
CHNS	-	-	-	-	-	-	-	-	-
Deinquency	-	-	-	-	-	-	-	-	-
Spousal Abuse	2	-	1	-	1	-	-	-	4
Inta Family Criminal Adult	11	3	3	-	9	1	3	-	30
Inta Family Criminal Juvenile	-	-	-	-	-	-	-	-	-
Child Abuse/Neglect	-	-	-	-	-	-	-	-	-
<b>Total Number of Cases</b>	<b>20</b>	<b>4</b>	<b>19</b>	<b>5</b>	<b>10</b>	<b>1</b>	<b>4</b>	<b>-</b>	<b>63</b>
<b>Total Number of Hearings</b>	<b>51</b>	<b>9</b>	<b>39</b>	<b>20</b>	<b>5</b>	<b>1</b>	<b>6</b>	<b>-</b>	<b>131</b>

**TABLE 5**

**TYPES OF RELATED CASES ASSOCIATED WITH SAMPLE DIVORCES WITH CHILDREN**

	Pilot								Total
	Juvenile and Domestic Relations				Circuit				
	Urban		Rural		Urban		Rural		
	N		N		N		N		
<b>Total Divorce Cases</b>	204		140		21		12		377
<b>Divorce Cases with Related Cases</b>	68		55		4		3		130
<b>Percentage of Divorce with Related Cases</b>	33%		39%		19%		25%		34%
<b>Divorce Cases With Number of Related Cases</b>									
1	23		7		0		0		30
2	18		14		1		1		34
3	9		7		1		0		17
4	6		6		0		0		12
4+	12		21		2		2		37
<b>Types of Related Cases</b>									
	Prior	After	Prior	After	Prior	After	Prior	After	
Custody	58	9	68	21	2	2	7	-	167
Visitation	11	8	37	28	-	-	-	-	84
Child Support	53	13	48	25	3	3	3	-	146
Spousal Support	1	-	-	3	-	-	-	-	4
Termination of Parental Rights	-	-	-	-	-	-	-	-	0
CHNS	-	-	-	-	-	3	-	-	3
Delinquency	6	7	1	-	-	5	9	-	28
Spousal Abuse	4	-	3	2	-	-	-	-	9
Adult Intra Family (Criminal)	23	4	60	9	-	7	-	-	103
Juvenile Intra Family (Criminal)	-	-	19	3	-	1	-	-	23
Child Abuse/Neglect	3	1	-	-	-	-	-	-	4
<b>Total Number of Cases</b>	159	42	234	91	6	21	19	-	571
<b>Total Number of Hearings</b>	378	76	513	166	4	33	19	-	1189

Table 5A

**STYLE OF RELATED CASES BY CHILDREN'S AGE**  
 (For 130 Divorce Cases Involving Families With Children)

Custody	Visitation	Child Support	Intra-Family Adult Criminal Offenses	Delinquency	All Other Categories	Total	Age 0-5	Age 6-12	Age 13-15	Age 16-17	Age 18-Up
C		S				47	25	17	4	1	0
			A			27	5	10	4	3	5
		S				24	7	12	1	2	2
					O	18	2	5	1	5	5
C	V	S				15	5	7	0	2	1
C						11	4	6	1	0	0
				D		11	0	3	0	4	4
C	V	S	A			8	6	2	0	0	0
C		S	A			8	3	3	1	1	0
		S			O	8	1	2	2	0	3
			A		O	5	0	2	0	0	3
	V					5	4	1	0	0	0
C	V	S	A		O	5	2	3	0	0	0
		S	A			5	2	3	0	0	0
C		S			O	4	2	0	1	1	0
C	V	S		D		4	1	1	2	0	0
C				D		3	0	1	0	0	2
C	V	S			O	3	1	1	0	1	0
C	V					3	3	0	0	0	0
C		S	A		O	3	2	1	0	0	0
	V	S				2	1	1	0	0	0
		S	A	D	O	1	0	0	1	0	0
C		S		D		1	0	0	1	0	0
					Total	221	76	81	19	20	25



TABLE 6

PETITIONER/COMPLAINANT BY TYPE OF COURT

LITIGANT CHARACTERISTICS:  
Petitioner/Complainant

	Pilot								Control							
	Juvenile and Domestic Relations Court				Circuit Court				Juvenile and Domestic Relations Court				Circuit Court			
	Urban		Rural		Urban		Rural		Urban		Rural		Urban		Rural	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Mother/Wife	4139	49.3	2256	61.5	136	63.3	54	56.1	1438	39.2	644	60.5	2285	58.3	701	60.4
Father/Husband	1461	17.4	939	21.4	77	35.3	39	42.0	937	25.5	202	19.0	1591	40.6	452	39.4
Other Family Member	1051	12.5	290	6.6	-	-	-	-	412	11.2	126	11.8	4	.1	-	-
Agency (ex.: CSU, DSS)	1309	15.6	719	16.4	-	-	-	-	791	21.5	58	5.5	1	.0	-	-
Law Enforcement	10	.1	16	.4	-	-	-	-	1	0	0	-	0	-	-	-
Other	314	3.7	67	1.5	-	-	-	-	81	2.2	21	2.0	0	-	-	-
Unreported Data	110	1.3	94	2.1	3	1.4	0	-	13	.4	13	1.2	36	1.0	3	.3

TABLE 7

RACE/ETHNICITY OF LITIGANT BY TYPE OF COURT

LITIGANT CHARACTERISTICS:  
Race/Ethnicity

Mother/Wife

White

Afro-American

Native American

Hispanic

Asian/Pacific Islander

Other

Unreported Data

Father/Husband

White

Afro-American

Native American

Hispanic

Asian/Pacific Islander

Other

Unreported Data

	Pilot								Control							
	Juvenile and Domestic Relations Court				Circuit Court				Juvenile and Domestic Relations Court				Circuit Court			
	Urban		Rural		Urban		Rural		Urban		Rural		Urban		Rural	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
White	3635	43.3	2574	58.8	191	87.6	82	88.2	2406	65.5	737	69.3	3051	77.8	1006	86.7
Afro-American	2449	29.2	1386	31.6	22	10.1	9	9.7	1119	30.5	296	27.8	360	9.4	107	9.2
Native American	7	.1	4	.1	0	-	-	-	1	.0	2	.2	4	.1	0	-
Hispanic	366	4.4	23	.5	0	-	-	-	11	.3	4	.4	113	2.8	5	.4
Asian/Pacific Islander	212	2.5	19	.4	0	0	-	-	5	.1	6	.6	150	3.8	5	.4
Other	197	2.4	20	.5	2	.9	1	1.1	13	.4	0	-	39	1.0	3	.3
Unreported Data	1528	18.2	375	8.6	5	2.3	1	1.1	118	3.2	18	1.8	193	4.9	35	3.0
Father/Husband																
White	3454	41.2	2451	55.6	184	84.4	76	81.7	2262	61.6	740	69.6	2944	75.1	990	85.3
Afro-American	2711	32.3	1419	32.4	21	9.6	9	9.71	1176	32.0	293	27.5	365	9.3	110	9.5
Native American	12	.1	4	.1	0	-	-	-	2	.1	1	.1	4	.1	0	-
Hispanic	373	4.4	36	.8	0	-	-	-	24	.7	0	-	124	3.1	4	.3
Asian/Pacific Islander	178	2.1	13	.3	1	.1	-	-	4	.1	0	-	115	2.9	5	.4
Other	208	2.5	24	.6	1	.1	1	1.1	8	.2	1	.1	56	1.4	4	.3
Unreported Data	1358	16.2	434	9.9	11	5.1	8	8.6	197	5.4	29	2.7	311	6.0	48	4.1

TABLE 8

RACE/ETHNICITY BY TYPE OF COURT FOR DIVORCE CASES ONLY

LITIGANT CHARACTERISTICS:  
Race/Ethnicity

Mother/Wife

White

Afro-American

Native American

Hispanic

Asian/Pacific Islander

Other

Unreported Data

Father/Husband

White

Afro-American

Native American

Hispanic

Asian/Pacific Islander

Other

Unreported Data

Pilot								Control							
Juvenile and Domestic Relations Court				Circuit Court				Juvenile and Domestic Relations Court				Circuit Court			
Urban		Rural		Urban		Rural		Urban		Rural		Urban		Rural	
N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
610	65.7	212	79.7	191	87.6	82	88.2	-	-	-	-	3044	77.8	1005	86.7
78	8.4	17	6.4	22	10.1	9	9.7	-	-	-	-	368	9.4	106	9.2
0	-	0	-	0	-	0	-	-	-	-	-	4	.1	0	-
16	1.7	0	-	0	-	0	-	-	-	-	-	112	2.9	5	.4
43	4.6	2	.8	0	-	0	-	-	-	-	-	149	3.8	5	.4
16	1.9	0	-	2	.9	1	1.1	-	-	-	-	39	1.0	3	.3
164	17.7	35	13.2	3	1.4	1	1.1	-	-	-	-	193	4.9	35	3.0
578	62.2	202	75.9	164	84.4	76	81.7	-	-	-	-	2937	75.1	989	85.3
82	8.8	20	7.5	21	9.6	0	9.7	-	-	-	-	364	9.3	109	9.5
0	-	0	-	0	-	0	-	-	-	-	-	4	.1	0	-
13	1.4	0	-	0	-	0	-	-	-	-	-	123	3.1	4	.3
29	3.1	1	.4	1	.5	0	-	-	-	-	-	114	2.9	5	.4
23	2.5	0	-	1	.5	1	1.1	-	-	-	-	56	1.4	4	.3
204	30.0	43	16.2	11	5.1	7	7.5	-	-	-	-	311	8.0	48	4.1

**TABLE 9**  
**INCOME OF LITIGANTS BY TYPE OF COURT**

**LITIGANT CHARACTERISTICS:**  
**Income**

**Income of Mother**

\$ 9,999 and under

\$10,000 to 24,000

\$25,000 to 49,000

\$50,000 and over

Unreported Data

**Income of Father**

\$ 9,999 and under

\$10,000 to 24,000

\$25,000 to 49,000

\$50,000 and over

Unreported Data

Pilot								Control							
Juvenile and Domestic Relations Court				Circuit Court				Juvenile and Domestic Relations Court				Circuit Court			
Urban		Rural		Urban		Rural		Urban		Rural		Urban		Rural	
N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
2248	26.8	2082	47.5	56	25.7	39	41.9	2258	61.5	631	59.3	492	12.5	320	27.6
1773	21.1	1148	26.2	119	54.6	39	41.9	671	18.2	277	26.0	1405	35.9	517	44.5
692	8.7	168	4.5	15	6.9	4	4.3	48	1.3	6	.6	1064	27.2	130	11.2
98	1.2	13	.3	2	.9	0	-	4	.1	0	-	168	4.2	19	1.6
3583	42.7	940	21.5	126	11.9	11	11.6	692	18.6	150	14.1	752	19.2	175	15.1
779	9.3	628	18.9	36	16.5	21	22.6	835	22.7	356	33.5	255	6.5	184	15.6
1568	18.7	1477	33.7	97	44.5	51	54.8	1069	29.1	457	43.0	916	23.4	484	41.6
1389	16.6	598	13.7	36	16.5	64	6.5	275	7.5	83	7.8	1258	32.1	225	19.4
377	4.6	74	1.7	5	2.3	-	-	38	1.0	9	.9	509	13.0	74	6.4
4281	51.0	1404	32.1	44	20.2	15	16.1	1456	39.6	169	14.9	981	25.0	194	16.7

**TABLE 10**  
**INCOME OF LITIGANTS FOR DIVORCE CASES BY TYPE OF COURT**

LITIGANT CHARACTERISTICS: Income	Pilot								Control							
	Juvenile and Domestic Relations Court				Circuit Court				Juvenile and Domestic Relations Court				Circuit Court			
	Urban		Rural		Urban		Rural		Urban		Rural		Urban		Rural	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<i>Income of Mother</i>																
\$ 9,999 and under	61	6.6	35	13.2	56	25.6	39	41.9	.	.	.	.	491	12.3	320	27.8
\$10,000 to 24,000	245	26.4	88	33.1	119	54.6	39	41.9	.	.	.	.	1399	35.8	518	44.5
\$25,000 to 49,000	242	26.1	51	19.2	51	6.9	4	4.3	.	.	.	.	1081	27.1	130	11.2
\$50,000 and over	53	5.7	7	2.6	2	.9	0	.	.	.	.	.	168	4.3	19	1.6
Unreported Data	328	35.3	85	31.9	26	11.9	11	11.6	.	.	.	.	792	20.3	174	15.0
<i>Income of Father</i>																
\$ 9,999 and under	30	3.2	19	7.1	38	16.5	21	22.6	.	.	.	.	253	6.5	183	15.8
\$10,000 to 24,000	151	16.3	67	25.2	97	44.5	51	54.8	.	.	.	.	914	23.4	484	41.8
\$25,000 to 49,000	235	25.3	71	26.7	38	16.5	6	6.5	.	.	.	.	1254	32.1	225	19.4
\$50,000 and over	130	14.0	14	5.3	5	2.3	9	.	.	.	.	.	509	13.0	74	6.4
Unreported Data	383	41.2	95	35.7	44	20.2	15	16.1	.	.	.	.	979	25.0	193	16.7
Totals	929		266			218		93					3909		1159	

TABLE 11

LANGUAGE OF LITIGANTS BY TYPE OF COURT

LITIGANTS CHARACTERISTICS:  
Language

Primary Language of Mother

English

Spanish

Other

Unreported Data

Primary Language of Father

English

Spanish

Other

Unreported Data

Pilot								Control							
Juvenile and Domestic Relations Court				Circuit Court				Juvenile and Domestic Relations Court				Circuit Court			
Urban		Rural		Urban		Rural		Urban		Rural		Urban		Rural	
N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
6071	72.3	3718	84.9	206	95.4	88	94.6	3313	90.2	952	89.4	3338	85.2	1092	84.1
274	3.3	18	.4	-	-	-	-	1	.0	1	.1	83	2.1	2	.2
265	3.2	13	.3	-	-	-	-	5	.1	0	-	118	3.0	4	.3
1784	21.3	632	14.4	10	4.6	5	5.4	354	9.6	111	10.4	380	9.7	63	5.4
<u>Primary Language of Father</u>															
5724	68.2	3593	82.0	194	88.9	84	90.3	3225	87.6	944	88.7	3155	80.5	1058	91.1
253	3.0	24	.6	-	-	-	-	6	.2	1	.1	90	2.3	3	.3
256	3.1	12	.3	-	-	-	-	2	.1	1	.0	119	3.0	5	.4
2161	25.7	752	17.2	24	11.0	9	9.7	450	12.3	118	11.1	555	14.2	95	8.3

TABLE 12

NUMBER OF CASES INVOLVING CHILDREN BY TYPE OF COURT

LITIGANT CHARACTERISTICS:  
Children

Number of Children

	Pilot								Control							
	Juvenile and Domestic Relations Court				Circuit Court				Juvenile and Domestic Relations Court				Circuit Court			
	Urban		Rural		Urban		Rural		Urban		Rural		Urban		Rural	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
No Children Reported	693	10.6	279	6.4	148	67.8	54	58.1	97	2.6	26	2.4	2266	57.6	614	52.9
1 Child	4716	56.2	2605	59.5	42	19.3	25	26.9	2201	59.9	634	76.4	786	20.1	275	23.7
2 Children	1948	23.2	1064	24.3	21	9.6	11	11.8	1007	27.4	140	13.2	631	16.1	191	16.5
3 or More Children	835	9.9	433	9.9	7	3.2	3	3.2	368	10.0	64	6.0	236	6.0	81	7.0
Total	6394	100	4381	100	218	100	93	100	3673	100	1064	100	3919	100	1181	100

NUMBER OF DIVORCE CASES INVOLVING CHILDREN BY TYPE OF COURT

LITIGANT CHARACTERISTICS:  
Children

Number of Children

	Pilot								Control							
	Juvenile and Domestic Relations Court				Circuit Court				Juvenile and Domestic Relations Court				Circuit Court			
	Urban		Rural		Urban		Rural		Urban		Rural		Urban		Rural	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
No Children Reported	601	64.7	140	52.6	148	67.9	55	59.1	-	-	-	-	2265	57.9	613	52.9
1 Child	161	17.3	56	21.1	42	19.3	25	26.9	-	-	-	-	786	20.1	274	23.6
2 Children	118	12.7	54	20.3	21	9.6	11	11.8	-	-	-	-	631	16.1	191	16.5
3 or More Children	49	5.3	16	6.0	7	3.2	2	2.2	-	-	-	-	227	5.8	81	7.0
Total	929	100	266	100	218	100	93	100	-	-	-	-	3909	100	1159	100

- Note: 1. There were 2,298 divorce cases with children in the pilot and control Circuit Courts or 43% of the total 5,379 divorce cases in these courts.  
2. There were 454 divorce cases with children in the pilot Juvenile Courts or 38% of the total 1,195 divorce cases in these courts.

**TABLE 13**  
**REPRESENTATION AT TRIAL BY TYPE OF COURT**

**LITIGANT CHARACTERISTICS:**  
**Representation by Counsel at Trial**

	Pilot								Control							
	Juvenile and Domestic Relations Court				Circuit Court				Juvenile and Domestic Relations Court				Circuit Court			
	Urban		Rural		Urban		Rural		Urban		Rural		Urban		Rural	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Both Parties Represented	920	11.0	563	12.9	47	21.6	.5	16.1	354	9.6	208	19.6	775	19.8	249	21.5
Petitioner Represented	2155	25.7	694	15.8	165	75.7	68	73.1	200	7.1	118	11.1	2625	72.3	870	75.1
Defendant Represented	307	3.7	324	7.4	0	-	4	4.3	213	5.8	85	8.0	16	.4	4	.4
Neither Party Represented	3567	42.5	1941	44.3	4	1.3	2	2.2	2713	73.9	545	51.2	223	5.7	19	1.6
Unreported Data	1445	17.2	859	19.6	0	-	4	4.3	133	3.6	108	10.2	70	1.8	17	1.5
Children Represented	286	3.4	662	15.1	0	-	0	-	214	5.8	31	2.9	3	.1	3	.3
Children Not Represented	2964	31.7	1830	41.9	42	19.3	0	-	1152	31.4	16	1.5	322	8.2	242	20.9



TABLE 16

RELATIONSHIP BETWEEN CASE TYPE AND NUMBER OF HEARINGS

CASE TYPES:	Pilot				Control				
	Juvenile and Domestic Relations Court		Circuit Court		Juvenile and Domestic Relations Court		Circuit Court		
	Average Number of Hearings		Average Number of Hearings		Average Number of Hearings		Average Number of Hearings		
	Urban	Rural	Urban	Rural	Urban	Rural	Urban/Comm.	Urban/No Com.	Rural
Custody	1.36	1.64	-	-	1.14	1.38	-	-	-
Visitation	1.49	1.56	-	-	1.21	1.44	-	-	-
Child Support	1.46	1.66	-	-	1.25	1.56	-	-	-
Spousal Support	1.36	1.53	-	-	1.22	1.36	-	-	-
Termination of Parental Rights	2.09	2.47	-	-	1.25	-	-	-	-
Divorce	1.11	1.14	1.42	1.04	-	-	3.04	1.1	1.10
Child In Need of Supervision/Services	1.45	2.29*	-	-	-	-	-	-	-
Delinquency	2.25*	2.15	-	-	1.33*	2.57	-	-	-
Spouse Abuse	1.38	2.17	-	-	1.33	1.66*	2.6	-	-
Criminal Offenses Between Spouses	2.92	2.42	1.60	-	1.60	-	-	-	-
Child Abuse/Neglect	3.54	2.76	1.0	-	1.69*	1.39	-	-	-
Total Mean	1.41	1.63	1.42	1.04	1.20	1.64	-	-	1.10

\* = N < 10

"Comm." means commissioners in chancery are used to hear divorces in these urban jurisdictions.

"No Com." means commissioners in chancery are not used to hear divorces in these urban jurisdictions.

**TABLE 17**  
**USE OF SERVICES BY TYPE OF COURT**

Use of Services	Pilot								Control							
	Juvenile and Domestic Relations Court				Circuit Court				Juvenile and Domestic Relations Court				Circuit Court			
	Urban		Rural		Urban		Rural		Urban		Rural		Urban		Rural	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Mediation - Accepted	185	2.2	44	1.0	2	.9	-	-	44	1.2	1	.1	18	.4	1	.1
Mediation - Refused	83	1.0	1	0	0	-	-	-	2	0	0	-	3	.0	0	-
Counseling - Accepted	35	.4	20	.5	3	-	-	-	8.5	2.3	0	-	2	.0	0	-
Counseling-Refused	2	-	0	-	0	-	-	-	0	-	0	-	3	.0	0	-
Investigation - Accepted	129	-	5	.1	0	-	-	-	130	3.5	2	.2	2	.0	0	-
Investigation - Refused	0	-	0	0	0	-	-	-	0	-	0	-	3	.0	0	-
Accepted-Other	103	1.2	7	.2	18	8.3	2	2.2	42	1.1	0	-	35	.9	2	.2
Refused-Other	8	.1	0	0	0	-	0	-	7	.2	0	-	29	.7	0	-

TABLE 14

REPRESENTATION AT TRIAL BY TYPE OF COURT FOR DIVORCE CASES ONLY

RESPONDENT CHARACTERISTICS:  
Representation by Counsel at Trial

	Pilot								Control							
	Juvenile and Domestic Relations Court				Circuit Court				Juvenile and Domestic Relations Court				Circuit Court			
	Urban		Rural		Urban		Rural		Urban		Rural		Urban		Rural	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Both Parties Represented	154	16.6	56	21.1	47	21.6	15	16.1	-	-	-	-	775	19.8	249	21.5
Petitioner Represented	663	71.4	163	61.3	165	75.7	66	73.1	-	-	-	-	2925	72.1	670	74.9
Defendant Represented	9	1.0	5	1.9	0	-	4	4.3	-	-	-	-	13	.3	4	.3
Neither Party Represented	62	6.7	6	2.3	4	1.8	2	2.2	-	-	-	-	223	5.7	19	1.6
Unreported Data	41	4.4	36	13.5	2	.9	4	4.3	-	-	-	-	73	1.7	17	1.5
Children Represented	1	.1	3	1.1	0	-	0	-	-	-	-	-	3	.1	3	.3
Children Not Represented	114	12.3	65	32.0	0	-	0	-	-	-	-	-	322	8.2	242	20.6

**TABLE 15**  
**NUMBER OF HEARINGS BY TYPE OF COURT**

Litigant Characteristics Number of Hearings	Pilot								Control							
	Juvenile and Domestic Relations Court				Circuit Court				Juvenile and Domestic Relations Court				Circuit Court			
	Urban		Rural		Urban		Rural		Urban		Rural		Urban		Rural	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
1 Hearing	6473	77.1	2548	58.2	188	86.2	91	97.9	3311	90.1	761	71.5	858	21.8	1089	93.8
2 Hearings	1218	14.5	1147	26.2	18	8.3	2	2.2	399	10.9	181	17.0	190	4.6	47	4.1
3 Hearings	382	4.6	419	9.6	12	5.5	-	-	131	.4	68	6.4	2612	66.7	13	1.1
4 or More Hearings	318	3.8	200	5.9	0	-	-	-	47	.1	54	5.1	262	5.9	10	.9
Unreported Data	3	0	7	1.6	0	-	-	-	0	-	0	-	9	.2	2	.2

**Appendix B**

**SUMMARY OF SURVEY OF LITIGANTS**

**Family Court Pilot Project**

**Prepared by:**

**Arnold L. Stolberg, Ph.D**

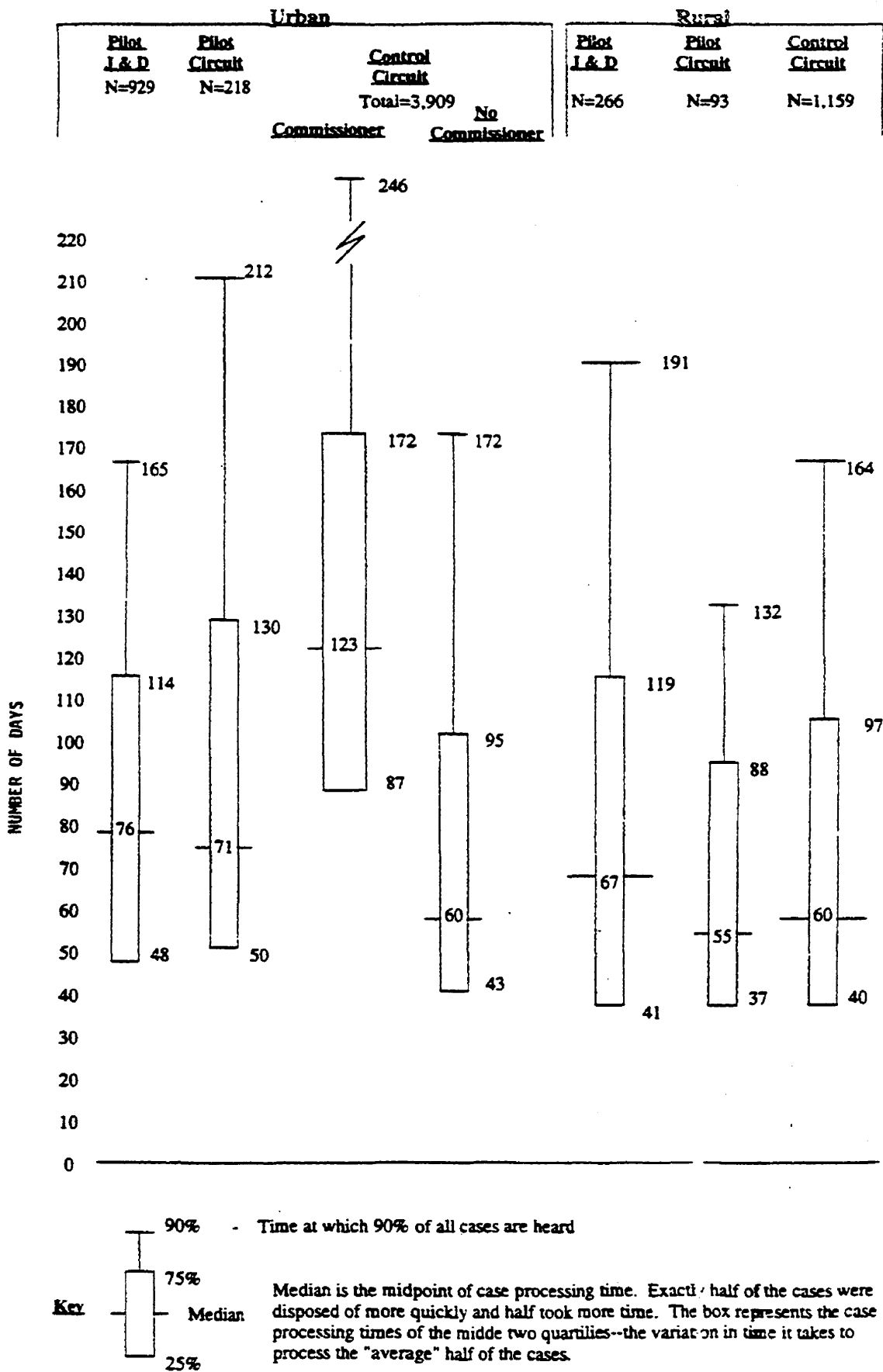
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FIGURE 1: CASE PROCESSING TIMES: DIVORCE CASES



## SURVEY OF LITIGANTS

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In an effort to understand the litigants' experience with the Juvenile and Domestic Relations District Courts, Circuit Courts and Family Courts which participated in the Pilot Project, a survey was collected from over 2700 litigants with and without children throughout the Commonwealth from an initial mailing of 8,774 surveys. Litigants included in the initial mailing were randomly selected from the individual Case Data Sheets supplied by the clerks of the participating courts. Approximately 10% of the initial 8,774 mailings were returned as undeliverable by the Post Office. The response rate, discounting the undelivered surveys, was approximately 33%. Questions relating to the litigants' perceptions of the quality of justice, timeliness and cost of the legal proceedings, psychological impact of the litigation on all family members, and satisfaction with their legal experiences were asked.

The analyses of litigants' responses focused on the following issues:

1. Does the establishment of a Family Court result in different experiences for divorce litigants from those experienced by litigants in the traditional Circuit Court?
2. Does the establishment of a Family Court result in different experiences for the litigant in custody, visitation and support cases from those experienced by litigants in traditional JDR courts?
3. Does the elimination of the *trial de novo* result in a different experience for litigants in custody, support and visitation cases?

The sample of litigants was drawn from all courts participating in the study: traditional Juvenile and Domestic Relations District Courts, Juvenile and Domestic Relations/Family Courts, traditional Circuit Courts, and Circuit/Family Courts. This paper details the procedures and results of this survey.

### The Sample Surveyed

This paper is based on an analysis of the responses from 2,658 litigants involved in family legal issues. Respondents were 1,331 women and 1,286 men. The racial composition was 2,043 caucasian, 395 African American, 63 native American, 51 Hispanic and 44 Asian Americans. The educational level of the respondents ranged from no high school degree to post-graduate education: 432 respondents did not have a high school degree; 942 had a high school degree; 568 had 2 years of college; and 387 had a college degree. Of the respondents, 302 had some post-graduate education. Disputes involving children numbered 1,796. When children were involved in the litigation, 1660 of the respondents were the legal parent of the child in question; 115 were a non-parent relative; and 21 were non-relatives. See Tables 1, 2, 3 and 4 in Attachment B.1 to this paper for further breakdowns by court type.

It should be noted that the totals for the litigant characteristics and associated case information frequently do not account for 100% of the litigant surveys which were returned and analyzed. All responding litigants did not answer all of the questions on the survey.

### The Survey

The Survey of Court Litigants was designed by the Subcommittee on Evaluation of the Family Court Pilot Project. It is a 61-item questionnaire mailed to each of the randomly-selected litigants of the dispute. The survey is broken into 3 major parts. The first, Part A, asks 9 questions on background information of the litigant. Part B asks questions about the satisfaction with the legal experience, the legal process, the psychological impact of the process on family members, the attentiveness and impartiality of the judge, the helpfulness of the court staff and the financial impact of the litigation. Part C asks questions about the children, the relationship between parents, and the relationship between the child and the parents.

Items in the survey cluster into four objectively-rated content categories. They are:

1. Timeliness of the hearings and cost of litigation
2. Quality of justice
3. Psychological impact of the litigation on the family
4. Satisfaction with results and with the legal process

The inclusion of a particular question from the survey under one of the above content categories was determined by both theoretical and statistical methods. First, a question was added to a category if sufficient theoretical justification existed to warrant its inclusion. Statistical analyses of the content categories and questions were then calculated to determine whether or not the previously listed questions were consistent with the statistical meaning of the content category. This process resulted in the use of only 29 of the 53 non-demographic questions on the Litigant Survey.

In addition, space was provided at the end of the survey for voluntary comments by the respondents. These comments are discussed later in this report. A copy of the survey can be found in Attachment B.2 to this paper.

### Results of the Litigants' Survey

Data from items in the four content categories were analyzed separately and were divided into eight groups according to the issue which was of major concern in the dispute. Dispute type (divorce, custody, support and visitation, etc.) was defined by classification from the Data Sheets supplied by the clerks of the participating courts. As part of the analyses, it was necessary to differentiate between contested and uncontested divorces. In this regard, an "Uncontested divorce" was defined by a "yes" response on item 7.1 (case was uncontested), a "no" response on item 37 (Did you choose to appeal the decision?), and had no children (item 9). Respondents may also have added a voluntary comment on the reverse side of the Litigants'



Survey reflecting the uncontested nature of the dispute. "Contested divorces" were defined as the remaining disputes. The 8 major categories of case types were:

1. divorce (n=1306)
2. uncontested divorces (n=783)
3. contested divorces (n=523)
4. divorce cases - families with children (n=587)
5. divorce cases - families without children (n=719)
6. child support (n=751)
7. visitation (n=120)
8. child custody (n=474)

Spousal support was not analyzed because a sufficient number of these cases was not available, as less than 2% of all cases involved this issue. See Table 5 for a breakdown of these categories by court type.

This classification was used because case type and whether the case is contested or not have a direct bearing on the demands on the legal system and of the litigants' perception of that system. For example, uncontested disputes are clearly less demanding on both court personnel and the litigants and are more likely to yield greater satisfaction on all respondents' parts. In contrast, the response patterns that might be found on either contested cases or custody disputes are more likely to reflect greater distress and dissatisfaction.

#### Method of Analysis

What follows are eight separate sets of analyses for each of the eight case categories described above. Each analysis is divided into the four content categories of (1) timeliness of the hearings and cost of litigation; (2) quality of justice; (3) psychological impact of the litigation on the family and (4) satisfaction with results and with the legal process. As previously stated there are sixty-one separate survey questions of which fifty-three are non-demographic in character and, therefore, relate to the above four content categories. Following a statistical analysis, only twenty-nine of these fifty-three questions were used. These twenty-nine non-demographic questions were grouped into the content category most closely related to that question. For instance, in the time and cost category were grouped questions 11 (How satisfied are you with the total legal costs), 14 (How satisfied are you with how long it took to conclude your case) and 26 (The costs of this litigation were a financial hardship). Similar groupings were made for the remaining questions in the other three categories.

Statistical calculations were made to determine the extent to which litigants' responses in each of the courts differed and the degree to which these differences reliably reflect influences due to court structure and not due to chance, error or random effects. When the courts' influence on litigants' responses is at least twice as large as random influences, the differences can be considered to be a result of the court structure. The statistical significance of these differences is further considered in terms of the likelihood that the pattern of litigants' responses could be due to chance. In this context, "pattern" means the average response of all the litigants as well as the distribution of all of these responses. Social scientists consider results to be due to the treatment variable (in this case court structure) when the obtained results can be attributed to chance in less than 5% ( $p < .05$ ) of the research trials. In this evaluation project, only items in which court influences were significantly greater than random influences and the probability that the results obtained were due to chance in less than 5% ( $p < .05$ ) or 1% ( $p < .01$ ) of the studies were considered for further discussion.

Once it was determined that group differences were due to the court structure, an examination of the size and direction of these group differences was made. The comparison was made through a means test in which litigants' responses on an item were averaged for one court type and were then compared to the averages of another court type. The following sections describe in narrative and tables the significant group differences by court and dispute type.

## DIVORCE CASES

Several sets of analyses of divorce cases were conducted. In the first set, response patterns for litigants in JDR/Family courts, Pilot Circuit courts and Control Circuit courts who were involved in all of the divorce cases in the survey were contrasted. Contrasting response patterns for contested divorce cases, for uncontested divorce cases, and for families with and without children were analyzed. They are discussed later in this report.

The "All Divorces" analysis shows that the JDR/Family Courts were superior to the Pilot Circuit Courts on three of the four dimensions of this study: results and the legal process, quality of justice, and psychological impact of the litigation. The JDR/Family Courts and the Pilot Circuit Courts were rated similarly to each other on items reflecting Time and Cost of the litigation. The JDR/Family Courts were rated superior to the Control Circuit Courts on all items reflecting Time and Cost, Satisfaction with Results, and Psychological Impact. (See Table 6.)

When considering all divorce cases, whether contested or uncontested, a clear pattern developed. The analyses showed that litigants in the JDR/Family Court reported being significantly more satisfied with the costs incurred in the resolution of their legal disputes. In contrast, litigants in the Control Circuit Courts reported that their legal costs resulted in significant and intrusive financial hardships. Litigants in the JDR/Family Court, in contrast to those in the Pilot Circuit Courts, felt that the judge was more impartial, listened better and the judges' decisions reflected the concerns and needs of the family. The court staff in the JDR/Family Court were viewed as being significantly more helpful than the staffs of the Pilot

**Circuit Courts. The psychological impact of the litigation was felt to be less harmful in the Family Court and more productive to the litigants, themselves. Finally, the legal outcomes from Family Court litigation were felt to yield better results between the two litigants when compared to litigants in the Control Circuit Court. What follows are separate analyses of litigant responses for contested and uncontested divorces and for litigants with and without children.**

**In the following analyses what appears to be an inconsistency should be explained. When examining all divorces in the quality of justice category for the six applicable questions, the Control Circuit Courts received positive ratings as did the JDR/Family courts. (See Table 6.) However, when the divorces are subdivided into the groupings of contested, uncontested, with children and without children, the same Control Circuit courts received negative ratings for these questions as compared to the positive ratings for the JDR/Family Courts. (See Tables 7,8,9 and 10.) The reason for this is that the accumulated pattern of responses in all divorces is comprised of two different response patterns: one for the contested divorces in which few differences between courts exist and the other for uncontested divorces in which many significant differences exist. When those groups are collapsed into "all divorces", as in Table 6, the group response patterns, both the means and distribution, do not accurately describe the component parts.**

#### **Contested Divorces (Table 7)**

**Statistically significant differences between the courts were indicated in contested divorces. Generally, the JDR/Family Court was viewed as superior to both of the Circuit Courts. Litigants in the JDR/Family Court reported that the judge was significantly more impartial and that the court staff was significantly more helpful than litigants in either of the Circuit Courts. The impact of the litigation was viewed as being less harmful for children by litigants in the JDR/Family Courts than litigants in both of the Circuit Courts. The cost of litigation was viewed as imposing less of a hardship in the JDR/Family Court and in the pilot Circuit Court than in the control Circuit Court. The Circuit Courts were viewed as equivalent to each other, on the dimensions reflecting quality of justice and psychological impact of the litigation, but they were nonetheless rated negatively in these areas when compared to the JDR/Family Court.**

#### **Uncontested Divorces (Table 8)**

**Significant differences were also shown between the JDR/Family Courts and the pilot and control Circuit Courts in uncontested divorce cases. The JDR/Family Court was rated as superior to both of the Circuit Courts on items reflecting quality of justice. In those cases in which the litigants indicated on the survey that they appeared before a judge, the judge was viewed as more impartial and was considered to have listened better to the concerns of the family and understood its many needs. His or her decision was viewed as responding to the concerns of the litigants.**

**The JDR/Family Court litigants were significantly more satisfied with the length of time it took to complete the litigation as compared to litigants in both of the pilot and control Circuit**

Courts. The children's behavior was viewed as having improved the most by litigants in the JDR/Family Court. Interestingly, children's feelings about the parent responding to the survey were viewed as being more positive by parents in the JDR/Family Court than by parents in the Circuit/Family Court, but when comparing the JDR/Family Court with the traditional Circuit Court, there was no significant statistical difference. Litigation costs in the JDR/Family Court and in the Circuit Family Court were viewed to be significantly less burdensome than litigation costs in the traditional Circuit Court. Litigants in the Circuit/Family Court considered their legal experience to be least disruptive of the relationship between parents when compared to other courts.

#### **Families with Children Involved in Divorce (Table 9)**

Divorce cases involving families with children rated their legal experience in the JDR/Family Court more positively on all dimensions than did litigants in both of the Circuit Courts. Costs of the litigation, quality of justice, and psychological impact of the litigation were viewed by these litigants as being more harmful to the family in both the traditional and Family Circuit Courts and more satisfactory in the JDR/Family Courts. In addition, litigants in the JDR/Family Court felt that the judge was more impartial, listened to their concerns, and made decisions which directly related to their concerns. JDR/Family Court respondents were significantly more satisfied with their legal experience than respondents in both of the Circuit Courts. The psychological impact of the litigation was viewed as significantly less deleterious to the children and to the respondent in the JDR/Family Court than for respondents in the Circuit Courts.

#### **Families without Children Involved in Divorce (Table 10)**

A subset of cases was analyzed for divorcing families who did not have children. In these cases litigants in the JDR/Family Courts were significantly more satisfied with the time and cost of litigation and with the quality of justice as compared to litigants in both Circuit Courts. The costs incurred were viewed less burdensome and imposed less of a financial hardship. Litigants in the JDR/Family Court were significantly more satisfied with the length of time it took to complete the litigation as compared to litigants in both of the Circuit Courts. The general quality of justice was consistently viewed more positively by litigants in the JDR/Family Court. In this regard, the JDR/Family Court judge was shown to be more impartial and to listen to litigant concerns. These judges were evaluated as having responded to the concerns of the litigants and conveyed an understanding of these concerns to the litigating families. Overall, these positive appraisals were consistently more positive for litigants in the Family Courts than for litigants in both Circuit Courts.

#### **Comparisons of JDR/Family and Traditional Juvenile and Domestic Relations District Court in Custody, Support and Visitation Cases**

A subset of cases in which litigants used either the JDR/Family Courts or the traditional (control) Juvenile and Domestic Relations District Courts were analyzed. The purpose of these

analyses was to determine whether a change from a Juvenile Court to a Family Court in these cases in any manner affected the litigants' perceptions of the operations of those courts. In making these analyses, attention is drawn to the fact that *trial de novo* was eliminated in the JDR/Family Court. Even though it is expected that this impacted on the respondents' perceptions, it was not possible to definitively extract this from the litigants' responses. There also follows in this section of the appendix the results of a survey of litigants who were involved in *de novo* appeals from judgements in the traditional JDR Courts to the Circuit Courts.

#### **CUSTODY CASES (Table 11)**

Custody cases heard in the JDR/Family Court were contrasted to those heard in the traditional Juvenile Courts. It is noted that because of the structure of the project, no custody disputes are included in this analysis which were heard in either of the Circuit Courts. The JDR/Family Courts were consistently viewed more positively than the traditional JDR Courts on the dimensions of quality of justice and psychological impact of the litigation. The Family Court judge was considered significantly more impartial. Traditional court decisions had a more deleterious effect on the children, while Family Court decisions had a more positive effect on them. Decisions made by Family Court judges were viewed as interfering less with the families' needs and less with the relations between each of the parents than were decisions of the traditional Juvenile Courts.

#### **SUPPORT CASES (Table 12)**

Significant differences in litigants' appraisals of the Family Court in contrast to those in the traditional Juvenile Courts were found in support cases on dimensions of quality of justice, psychological impact of the litigation, and results of the litigation. The most impressive differences are those of the psychological impact of the litigation. Families involved in support cases felt that the Family Court was significantly less harmful on the children and the litigant and reflected a real concern and attention for the needs of the children and family members. Family communications between spouses was rated as being much better and the litigation was viewed as improving other problems between spouses as well as leading to a decision that would be lasting. In addition, judges were viewed as more impartial and court staff was described as much more helpful. Finally, litigants in the Family Courts were more satisfied with the results of the cases and with the fairness of the legal process.

#### **VISITATION CASES (Table 13)**

Visitation cases heard in the Family Court and in the traditional Juvenile Courts comprised the last subset of comparisons. In all cases, the Family Court was rated as superior to the traditional court. Quality of justice and psychological impact of the litigation were viewed much more positively in the Family Court. The litigation was assessed as having a less deleterious effect on the children and the families needs. The Family Court judge was rated more positively and was considered to have made decisions which were consistent with the

families' concerns. The Family Court staff was viewed as more helpful than the staff of the traditional Juvenile Courts.

### Analysis Of Written Comments

A subset of 1682 litigants voluntarily added personal comments to the end of their completed Litigant Surveys (63% of the total sample). The personal statements by the litigants on their court experiences are analyzed in this component of the report. No questions were included in the questionnaire to stimulate reactions. Responses were rated as "positive appraisal", "negative appraisal" or "cannot be determined". These comments were characterized under the following categories:

1. Cost (n=189)
2. Timeliness, speed of case (n=323)
3. Judge sensitivity and fairness (n=281)
4. Treatment by court personnel (n=90)
5. Attorney performance, competence, sensitivity (n=171)
6. Gender bias (n=118)
7. Treatment by Division of Child Support Enforcement (n=42)
8. Did not go to court (n=172)
9. Miscellaneous (n=883)
10. Availability of alternative dispute resolution (n=36)
11. Support award enforcement (n=286)

Only the top six of these categories included sufficient numbers of respondents or a sufficient range of responses to include in the data analyses and interpretations.

Significant differences by court in which the dispute was heard were found on the categories of cost, timeliness, and attorney performance. Litigants in the pilot Juvenile Court reported significantly greater satisfaction with cost and timeliness of the case than litigants in the other courts. Twenty-one percent of the responses volunteered by litigants in the Family Court about cost were positive in contrast to less than 4.5 percent positive statements in the other courts. Positive comments about timeliness of Family Court cases were made in almost forty percent of the written responses in contrast to 2 to 30 percent of the comments from litigants in other courts. Control Circuit Court litigants reported significantly greater satisfaction with attorney performance (49% positive comments) than did litigants in the other courts (7% to 18.5%). (See Table 15.)

## DE NOVO APPEALS

### The Sample Surveyed

A separate survey was conducted to evaluate the experience of litigants who had appealed their decision in the Control Juvenile Court to the Circuit Court by way of a trial de novo. A survey instrument designed to compare litigant experiences in both court types was sent to the parties involved in appeals of custody, visitation and support cases in Mecklenburg, Roanoke City, Roanoke County and Smyth Juvenile Courts. The time period covered by the appeals was approximately January 1, 1990 through June 30, 1991. From an original sample of 250 surveys, there were 62 responses analyzed and 60 returned as undeliverable by the Post Office. The 62 responses comprise this subcomponent of the evaluation.

Half of the respondents (N=31) were mothers; the remaining 31 were fathers. Seventeen of the respondents did not graduate high school; 23 had a high school diploma; 13 respondents completed two years of college; 6 subjects had a college degree; and 3 had completed some post graduate study. Forty-two respondents were Caucasian and non-Hispanic; 18 were African-American; 1 was Hispanic, and 1 was of an unspecified ethnic background.

### The Survey

The Litigant Survey described above was used to assess and contrast litigants' experiences in the Juvenile and Domestic Relations Court and their subsequent experience with the de novo appeal heard in the Circuit Court. Litigants were given two copies of the Litigants' Survey. They were asked to complete the first to reflect their experiences in the Juvenile and Domestic Relations Court. They were then asked to complete the second, describing their experiences in the Circuit Court. A copy of the survey can be found in Attachment B.2 to this paper.

### Results of the Appeal Survey

Conclusive results are not available in this subcomponent of the evaluation study. The number of respondents (N=62) is too small to permit valid analysis of the data. Any interpretations that are made of the data must be made with significant caution.

With this caveat it can be stated that the data indicate that no significant differences in the litigants' experiences in the Juvenile Court and in the Circuit Court exist. Exercising the right to a de novo appeal did not lead litigants to feel greater satisfaction with the legal process. In all cases, the litigants' answers on both individual questions and groups of questions under the content categories of timeliness and cost; quality of justice; psychological impact; and satisfaction with the results reflect the same ratings for the Juvenile Court and the Circuit Court.

## SUMMARY

The JDR/Family Court is rated superior to both of the Circuit Courts and superior to the traditional Juvenile and Domestic Relations Courts on all dimensions. This consistent greater satisfaction with the JDR/Family Court on measures of time and costs, quality of justice, psychological impact of the litigation, and satisfaction with the results clearly demonstrates that the Family Court is more positively viewed than either of the Circuit Courts. It appears that litigants believe that the JDR/Family Court is a more effective institution to resolve divorce disputes, regardless of the contested or uncontested nature of the divorce, and regardless of whether children are involved.

The *de novo* appeal appears to be negatively evaluated by litigants. Exercising the right to a *de novo* appeal did not increase litigants' feelings of satisfaction with their legal experience. Litigants in the JDR/Family Court consistently rated their court experience more positively on dimensions reflecting psychological impact of the litigation and the quality of justice when compared with similar cases heard in the traditional Juvenile and Domestic Relations Court.

While the JDR/Family Court overall was rated superior to the other courts in the project, the rating variance was less in contested cases than in uncontested cases. This may logically be explained because contested cases are the most difficult cases for all courts to resolve. It is likely that at least one of parties in these cases will be dissatisfied with one or more aspects of the proceeding.

The presence or absence of children in families who are divorcing reflects some consistent concerns of family members as well as some unique patterns. Family members with children are most concerned about the psychological impact of litigation on all members of the family. In contrast, family members without children are more concerned about the timeliness of the dispute resolution. All divorcing families are concerned about the quality of justice and the cost of the litigation. Where concerns were raised on these previous issues, the JDR/Family Court was viewed as more effective in resolving the problem.



**Attachment B.1**

**Litigant Survey Tables**

## **EXPLANATION OF TABLES**

Tables 1 through 5 are a demographic breakdown of respondents by court type, sex, race, education, relationship with the child and by case type. These are self-explanatory and require no further statement.

Tables 6 through 13 form the basis of the analysis of litigant responses in the written narrative. Each table relates to a case type and is divided into four content sections. Each section lists the questions relating to that section which meet the reliability and chance tests referred to in the written discussion. To the right of the questions in separate columns, the different courts are rated by the litigant survey responses. Where an "0" appears, the patterns shows no significant differences. A "+" shows a positive rating, and a "-" indicates a negative rating. Where a "+" or "-" is shown, there will either be one or two of those symbols. One symbol shows that significant differences were not due to chance and that the likelihood that such differences were due to chance is less than 5 for every 100 responses or less than 5% ( $p < .05$ ). Where two symbols appear, this indicates a chance ratio of less than 1% ( $p < .01$ ). For a further explanation of the rating process, refer to page 3 in the written narrative.

Table 14 sets out in summary form all of the information presented in Tables 6 through 13.

Table 15 shows the response patterns for written comments submitted by responding litigants. They are organized into the content areas of: timeliness of case; cost of litigation; and attorney performance, competence and sensitivity. The figures appearing under each court type column are the percentage of respondents positively evaluating the court in the content area indicated.

Table 16 shows the cumulative litigant responses concerning the use of services in their court cases and their assessment of their helpfulness.

**Table 3****Education of Respondent by Court**

	Pilot		Control		Total
	JDR	Circuit	JDR	Circuit	
No diploma	200	17	160	55	432
High school diploma	413	39	257	233	942
2 years of college	259	26	108	175	568
College degree	198	12	38	139	387
Post-graduate	167	4	16	115	<u>302</u>
					2631

**Table 4**

**Respondent's Relationship to Child by Court**

	Pilot		Control		Total
	JDR	Circuit	JDR	Circuit	
Parent	799	42	508	311	1660
Non-parent Relative	60	1	47	7	115
Non-relative	8	0	6	7	<u>21</u>
					1796

Table 5

Respondents by Dispute Type by Court

	Pilot		Control		Total
	FAMILY/JDR	Circuit	JDR	Circuit	
Divorce	485	101	0	720	1306
Contested	152	45	0	326	523
Uncontested	333	56	0	394	783
With Children	189	48	0	350	587
Without Children	296	53	0	370	719
Custody	287	0	187	0	474
Visitation	60	0	60	0	120
Child Support	415	0	336	0	751

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More dispute types are accounted for in this table than there are returned litigant surveys, because litigants could check multiple issues for which they were before the court.

Table 6  
 Response Patterns by Item by Court: Divorce Cases<sup>1</sup>

	Family Court	Circuit Courts Pilot Control	
<b>I. Time and Cost</b>			
11. How satisfied are you with the total legal costs	++	++	--
14. How satisfied are you with how long it took to conclude your case	++	-	--
26. The costs of this litigation were a financial hardship	++	++	-
<b>II. Results and the Legal Process</b>			
10. How satisfied are you with the results of your case	+	0	--
13. How satisfied are you with the fairness of the legal process	+	0	--
15. How satisfied are you with how your legal rights were protected	+	0	--

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<sup>1</sup>Pilot JDR Courts constitute the Family Courts. Pilot and Control Circuit Courts have been collapsed into the combined Circuit Courts. The procedures of the pilot Circuit Courts indicate that they do not differ from the control Circuit Courts and are not Family Courts. They do not hear custody, support or visitation cases and do offer *de novo* appeals.

Table 6 (cont.)

	Family Court	Circuit Courts	
		Pilot	Circuit
<b>III. Quality of Justice</b>			
29. Do you feel the judge was impartial	++	-	++
30. Do you feel the court staff was helpful	++	-	++
31. Do you feel the judge listened to your concerns	++	-	++
32. Do you feel the judge's decision responded to your specific concerns	++	-	++
34. Do you feel that the experts who testified in your case were fair	++	-	++
35. Do you feel that the judge listened to what the experts said	++	-	++
<b>IV. Psychological Impact</b>			
16. Do you feel that the legal process had a bad effect on your children	++	-	-
18. Do you feel that the legal process had a bad effect on you	++	-	-
19. Do you feel the legal process had a good effect on you	+	+	-
20. Do you feel the legal process caused problems between you and the children's other parent	+	-	-

Table 6 (cont.)

	Family Court	Circuit Courts	Pilot Control
27. Do you feel that the decision reached in your case interferes with other needs which your family has	+	0	-

**KEY**

- ++** court most positively rated, significant differences not due to chance,  $p < .01$
- +** court most positively rated, significant differences not due to chance,  $p < .05$
- 0** response pattern for court not significantly different from any other court
- court most negatively rated, significant differences not due to chance,  $p < .05$
- court most negatively rated, significant differences not due to chance,  $p < .01$



**Table 7**  
**Response Patterns by Item by Court: Contested Divorces<sup>2</sup>**

	Family Court	Circuit Courts	
		Pilot	Control
<b>I. Time and Cost</b>			
11. How satisfied are you with the total legal costs for these proceedings	++	++	-
26. The costs of this litigation were a financial hardship	++	++	-
<b>II. Results and the Legal Process</b>			
<b>III. Quality of Justice</b>			
29. Do you feel the judge was impartial	++	-	-
30. Do you feel the court staff was helpful	++	-	-
<b>IV. Psychological Impact</b>			
16. Do you feel that the legal process had a bad effect on your children	++	-	-

**KEY**

- ++** court most positively rated, significant differences not due to chance,  $p < .01$
- +** court most positively rated, significant differences not due to chance,  $p < .05$
- 0** response pattern for court not significantly different from any other court
- court most negatively rated, significant differences not due to chance,  $p < .05$
- court most negatively rated, significant differences not due to chance,  $p < .01$

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<sup>2</sup>Pilot JDR Court constitutes Family Court. Circuit Courts are considered separately.

**Table 8**  
**Response Patterns by Item by Court: Uncontested Divorces<sup>3</sup>**

	<b>Family Court</b>	<b>Circuit Courts Pilot Control</b>	
<b>I. Time and Cost</b>			
11. How satisfied are you with the total legal costs for these proceedings	++	++	-
14. How satisfied are you with how long it took to conclude your case	++	-	-
26. The costs of this litigation were a financial hardship	++	++	-
<b>II. Results and the Legal Process</b>			
<b>III. Quality of Justice</b>			
29. Do you feel the judge was impartial	++	-	-
30. Do you feel the court staff was helpful	++	-	-
31. Do you feel that the judge listened to your concerns	++	-	-
32. Do you feel that the judge's decision responded to your specific concerns	++	-	-
33. Do you feel that the judge understood your family and its many needs	++	0	-
35. Do you feel that the judge listened to what the experts said	++	-	-

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<sup>3</sup>Pilot JDR Courts constitute Family Court. Circuit Courts are considered separately.

Table 8 (cont.)

	Family Court	Circuit Courts	
		Pilot	Control
<b>IV. Psychological Impact</b>			
55. Your children's relationship with their other parent is	-	++	-
59. Your children's feelings about you are	++	-	++
61. Your children's behavior is	++	-	-

**KEY**

- ++** court most positively rated, significant differences not due to chance,  $p < .01$
- +** court most positively rated, significant differences not due to chance,  $p < .05$
- 0** response pattern for court not significantly different from any other court
- court most negatively rated, significant differences not due to chance,  $p < .05$
- court most negatively rated, significant differences not due to chance,  $p < .01$

**Table 9**  
**Response Patterns by Item by Court: Divorce Cases- Families with Children<sup>4</sup>**

	Family Court	Circuit Courts Pilot Control	
<b>I. Time and Cost</b>			
11. How satisfied are you with the total legal costs	++	0	--
<b>II. Results and the Legal Process</b>			
<b>III. Quality of Justice</b>			
29. Do you feel the judge was impartial	++	-	--
30. Do you feel the court staff was helpful	++	-	--
31. Do you feel the judge listened to your concerns	++	-	--
32. Do you feel the judge's decision responded to your specific concerns	++	-	--
34. Do you feel that the experts who testified in your case were fair	++	-	--
<b>IV. Psychological Impact</b>			
16. Do you feel that the legal process had a bad effect on your children	+	-	-

---

<sup>4</sup>Pilot JDR Courts constitute Family Courts. Circuit Courts considered separately. Only families with children were included in these analyses.

Table 9 (cont.)

	Family Court	Circuit Courts Pilot Control
18. Do you feel that the legal process had a bad effect on you	+	0 -

**KEY**

- ++** court most positively rated, significant differences not due to chance,  $p < .01$
- +** court most positively rated, significant differences not due to chance,  $p < .05$
- 0** response pattern for court not significantly different from any other court
- court most negatively rated, significant differences not due to chance,  $p < .05$
- court most negatively rated, significant differences not due to chance,  $p < .01$

Table 10

Response Patterns by Item by Court: Divorce Cases- Families without Children<sup>5</sup>

	Family Court	Circuit Courts Pilot Control	
<b>I. Time and Cost</b>			
11. How satisfied are you with the total legal costs	+	0	-
14. How satisfied are you with how long it took to conclude your case	++	0	-
26. The costs of this litigation were a financial hardship	++	++	-
<b>II. Results and the Legal Process</b>			
<b>III. Quality of Justice</b>			
29. Do you feel the judge was impartial	++	-	-
31. Do you feel the judge listened to your concerns	++	-	-
32. Do you feel the judge's decision responded to your specific concerns	++	-	-
33. Do you feel the judge understood your family and its many needs	+	0	-
34. Do you feel that the experts who testified in your case were fair	++	-	-

---

<sup>5</sup>Pilot JDR Courts constitute Family Court. Circuit Courts considered separately. Only families without children included in these analyses.

Table 10 (cont.)

	Family Court	Circuit Courts Pilot Control	
35. Do you feel that the judge listened to what the experts said	++	-	-

IV. Psychological Impact

**KEY**

- ++** court most positively rated, significant differences not due to chance,  $p < .01$
- +** court most positively rated, significant differences not due to chance,  $p < .05$
- 0** response pattern for court not significantly different from any other court
- court most negatively rated, significant differences not due to chance,  $p < .05$
- court most negatively rated, significant differences not due to chance,  $p < .01$

Table 11  
 Response Patterns by Item by Court: Custody Cases<sup>6</sup>

	Family Court	Control JDR
I. Time and Cost		
II. Results and the Legal Process		
III. Quality of Justice		
29. Do you feel the judge was impartial	+	-
IV. Psychological Impact		
16. Do you feel that the legal process had a bad effect on you children	+	-
17. Do you feel that the legal process had a good effect on your children	++	--
27. The decision reached interferes with you family's needs	+	-
55. Your children's relationship with their other parent is much better/much worse	++	-

**KEY**

- ++** court most positively rated, significant differences not due to chance,  $p < .01$
- +** court most positively rated, significant differences not due to chance,  $p < .05$
- 0** response pattern for court not significantly different from any other court
- court most negatively rated, significant differences not due to chance,  $p < .05$
- court most negatively rated, significant differences not due to chance,  $p < .01$

---

<sup>6</sup>Contrast are made between JDR Courts only (Family Court and control JDR). Cases involving custody disputes only were included. Circuit Courts did not hear custody disputes.



**Table 12**  
**Response Patterns by Item by Court: Support Cases<sup>7</sup>**

	Family Court	Control JDR
<b>I. Time and Cost</b>		
<b>II. Results and the Legal Process</b>		
10. How satisfied are you with the results of your case	+	-
13. How satisfied are you with the fairness of the legal process	++	--
<b>III. Quality of Justice</b>		
29. Do you feel the judge was impartial	++	-
30. Do you feel the court staff was helpful	++	-
<b>IV. Psychological Impact</b>		
16. Do you feel that the legal process had a bad effect on your children	++	-
18. Do you feel that the legal process had a bad effect on you	+	-
21. Helped settle problems between you and the other parent	+	-

---

<sup>7</sup>Contrasts between JDR Courts, alone, are included (Family Court/Pilot JDR, Control JDR). Only cases involving support cases are considered. Circuit Courts did not hear support cases.

Table 12 (cont.)

	Family Court	Control JDR
23. Do you feel that the legal process increased the ability of both parties to settle disputes	++	-
25. Do you feel that concern was shown for your children	+	-
27. The decision reached interferes with your family's needs	+	-
28. Your family and its needs got lost in the process	+	-
57. Your communication with the children's other parent is much better/much worse	+	-

**KEY**

- ++** court most positively rated, significant differences not due to chance,  $p < .01$
- +** court most positively rated, significant differences not due to chance,  $p < .05$
- 0** response pattern for court not significantly different from any other court
- court most negatively rated, significant differences not due to chance,  $p < .05$
- court most negatively rated, significant differences not due to chance,  $p < .01$

Table 13  
Response Patterns by Item by Court: Visitation Cases<sup>8</sup>

	Family Court	Control JDR
<b>I. Time and Cost</b>		
<b>II. Results and the Legal Process</b>		
13. How satisfied are you with the legal process	++	--
<b>III. Quality of Justice</b>		
29. Do you feel the judge was impartial	+	-
30. Do you feel the court staff was helpful	+	-
32. Do you feel that the judge's decision responded to your specific concerns	++	--
<b>IV. Psychological Impact</b>		
16. Do you feel the legal process had a bad effect on your children	++	--
27. Do you feel that the decision reached in your case interferes with other needs which your family has	+	-
28. Do you feel that your family and its needs got lost in the legal process	+	-

**KEY**

- ++ court most positively rated, significant differences not due to chance,  $p < .01$
- + court most positively rated, significant differences not due to chance,  $p < .05$
- 0 response pattern for court not significantly different from any other court
- court most negatively rated, significant differences not due to chance,  $p < .05$
- court most negatively rated, significant differences not due to chance,  $p < .01$

---

<sup>8</sup>Only contrasts between JDR Courts are made (Family Court, control JDR). Only cases involving visitation disputes included in sample. Circuit Courts did not hear visitation disputes.

TABLE 14

SUMMARY OF FINDINGS FROM THE SURVEY OF LITIGANTS		Pilot J & D							Pilot Circuit					Control J & D			Control Circuit						
		All Divorce	Contested Div	Uncontested Div	Div Fam W/C	Div Fam WO/C	Custody	Support	Visitation	All Divorce	Contested Div	Uncontested Div	Div Fam W/C	Div Fam WO/C	Custody	Support	Visitation	All Divorce	Contested Div	Uncontested Div	Div Fam W/C	Div Fam WO/C	
Survey Questions																							
Time and Cost	11. How satisfied are you with the total legal costs for these proceedings	++	++	++	++	++				++	++	++	0	0				::	::	::	::	::	
	14. How satisfied are you with how long it took to conclude your case.	++		++		++				::		::	0					::		::		::	
	26. The costs of this litigation were a financial hardship	++	++	++		++				++	++	++		++				::	::	::		::	
Satisfaction	10. How satisfied are you with the results of your case	+						+		0						.		.					
	13. How satisfied are you with the fairness of the legal process	+						++	++	0						.	..	..					
	15. How satisfied are you with how your legal rights were protected	+								0								..					
Quality of Justice	29. Do you feel the judge was impartial	++	++	++	++	++	+	++	+	..	..	..	..	..	.	..	.	++	..	..	..	..	
	30. Do you feel the court staff was helpful	++	++	++	++			++	+	..	..	..	..			..	.	++	..	..	..		
	31. Do you feel that the judge listened to your concerns	++		++	++	++				..		..	..	..				++		..	..	..	
	32. Do you feel that the judge's decision responded to your specific concern	++		++	++	++			++	..		..	..	..			..	++		..	..	..	
	33. Do you feel that the judge understood your family and its many needs			++		+						0		0						..		.	
	34. Do you feel that the experts who testified in your case were fair	++			++	++				..			..	..				++			..	..	
	35. Do you feel that the judge listened to what the experts said	++		++		++				..		..		..				++		..		..	

Note: See the beginning of attachment B.1 for an explanation of the symbols +, ., and 0 as they appear on this matrix.

TABLE 14  
cont.

SUMMARY OF FINDINGS FROM THE SURVEY OF LITIGANTS		Pilot J & D							Pilot Circuit					Control J & D			Control Circuit						
		All Divorce	Contested Div	Uncontested Div	Div Fam W/C	Div Fam WO/C	Custody	Support	Visitation	All Divorce	Contested Div	Uncontested Div	Div Fam W/C	Div Fam WO/C	Custody	Support	Visitation	All Divorce	Contested Div	Uncontested Div	Div Fam W/C	Div Fam WO/C	
Psychological Impact	16. Do you feel that the legal process had a bad effect on your children	++	++		+		+	++	++	--	:		.		.	:	:	:	:	:	.		
	17. Do you feel that the legal process had a good effect on your children						++								:								
	18. Do you feel that the legal process had a bad effect on you	++			+			+		--			0		.	.		--			.		
	19. Do you feel the legal process had a good effect on you	+								+								.					
	20. Do you feel that the legal process caused problems between you and the children's other parent	+								.								.					
	21. Helped settle problems between you and the other parent							+							.								
	23. Do you feel that the legal process increased the ability of both parties to settle disputes							++								--							
	25. Do you feel that concern was shown for your children							+							.	.							
	27. The decision reached interferes with your family's needs	+					++	+	+	0					.	.	.	.					
	28. Your family and its needs go lost in the process							+	+						.	.	.						
	55. Your children's relationship with their other parent is			--			++						++		.						--		
	57. Your communication with the children's other parent is much better/much worse							+							.								
	59. Your children's feelings about you are			++									--									++	
	61. Your children's behavior is			++									--									--	

Note: See the beginning of attachment B.1 for an explanation of the symbols +, ., and 0 as they appear on this matrix.

**Table 15**  
**Response Patterns by Item by Court: Subjective Responses<sup>9</sup>**

	Pilot		Control	
	JDR	Circuit	JDR	Circuit
<b>Timeliness of case</b>	+		-	-
	39.68	30.00	2.44	20.48
<b>Cost of litigation</b>	+	-	-	-
	21.51	0	4.55	1.43
<b>Attorney performance, competence, sensitivity</b>	-	-	-	+
	18.46	14.29	7.69	49.32

---

<sup>9</sup>Numerical values reflect the percentage of respondents positively evaluating the different court types on the content category indicated.

**Table 16**  
**Response to Use of Services**

43. Please check which services were used in your case.

	Number of Services Checked	Percentage of Total Sample of Litigants
a. Mediation	237	9.0%
b. Counseling	322	12.0%
c. Court-Ordered Investigation	203	7.7%
d. Support Enforcement	535	20.2%
e. Other	<u>157</u>	5.9%
<b>Total</b>	<b>1454*</b>	

\* The total sample of litigants responding to the survey is 2,658. Of this total sample, 1251 litigants (47%) used at least one of the services listed. Some litigants used more than one service. 1394 litigants (53% of the total litigant sample) did not indicate that they used any of the services listed.

45. If these services were used, did they help you to settle one or more of the issues in your case? Yes or No.

	Yes		No	
a. Mediation	162	(74%)	58	(26%)
b. Counseling	189	(66%)	99	(34%)
c. Court-Ordered Investigation	112	(59%)	77	(41%)
d. Support Enforcement	319	(64%)	177	(36%)
e. Other	89	(69%)	40	(31%)

**Attachment B.2**

**Sample Litigant Surveys**



CHIEF JUSTICE  
HARRY L. CARRICO

JUSTICES  
A. CHRISTIAN COMPTON  
ROSCOE B. STEPHENSON, JR.  
CHARLES S. RUSSELL  
HENRY M. WHITING  
ELIZABETH B. LACY  
LEROY ROUNTREE HASSELL

SENIOR JUSTICE  
RICHARD H. POFF

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ROBERT N. BALDWIN  
ASST. EXECUTIVE SECRETARY  
FREDERICK A. MOONETT, JR.  
CHIEF STAFF ATTORNEY  
JOHN THOMAS BRUCE  
REPORTER OF DECISIONS  
KENT SINCLAIR

Dear Survey Participant:

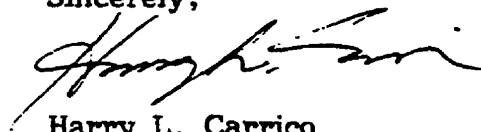
In 1988 the Judicial Council of Virginia completed a study of ways to improve the handling of family law matters in the courts of the Commonwealth. The following year the General Assembly passed a law establishing experimental family courts. This law resulted in the creation of ten pilot family courts throughout Virginia. The pilot project began on January 1, 1990, and will end on December 31, 1991. The law requires an evaluation of the project, and it is for this reason that I am writing to you.

Court records show that you were a party in a family law matter in 1990 or 1991, and therefore you have been selected to participate in a family law survey. It is very important for this evaluation that those persons involved in family law cases be surveyed to obtain information so that a comparison can be made between the family court and our present system.

Enclosed is a survey that I ask you to complete. This will require a few minutes of your time. Even though you may not have personally appeared in court, it is important that you respond to all of the questions in the survey. After you have completed this survey, I ask that you return it within seven days in the enclosed postage-paid envelope. I wish also to assure you that your answers are strictly confidential and that all responses will be anonymous. Your cooperation is vitally important to the success of this evaluation.

Thank you for your contribution to our efforts to improve Virginia's judicial system.

Sincerely,



Harry L. Carrico  
Chief Justice of Virginia

HLC:lgr

Enclosure

SURVEY OF COURT LITIGANTS

Part A  
BACKGROUND INFORMATION

[1] 1. \_\_\_/\_\_\_/\_\_\_ Today's Date

2. \_\_\_ Sex

3. Race:

- 1  White, non-Hispanic
- 2  Afro-American
- 3  Native American
- 4  Hispanic
- 5  Asian\Pacific Islander
- 6  Other

4. \_\_\_ Age

[11] 5. Occupation \_\_\_\_\_

[26] 6. Highest Grade Completed:

- Did not graduate High School
- 2  High School Diploma
- 3  Up to 2 yrs. College
- 4  College Degree
- 5  Post-Graduate Study

7. My case involved issues in these areas (circle all that apply):.

- [27]
- 1. Uncontested Divorce
  - 2. Grounds for Contested Divorce
  - 3. Custody
  - 4. Visitation
  - 5. Child Support
  - 6. Property Distribution
  - 7. Spousal Support

[34] 8. \_\_\_ Which of the disputes in item #7 above was the most serious?

[35] 9. If your case involved custody, support, or visitation issues, please check one:

- 1  I am a parent of the child(ren).
- 2  I am a non-parent, relative of the child(ren).
- 3  I am a non-relative of the child(ren).

Part B

You will be asked some specific questions about how satisfied you are with the legal process relating to your case. Please answer ALL QUESTIONS by circling a number from this list:

1=very satisfied; 2=satisfied; 3=neither satisfied nor dissatisfied; 4=dissatisfied; 5=very dissatisfied.

How satisfied are you with:		<u>Very Satis.</u>			<u>Very Dissat.</u>	
{36}	10. The results of your case?	1	2	3	4	5
	11. The total legal costs for these proceedings?	1	2	3	4	5
	12. Your participation in the legal process?	1	2	3	4	5
	13. The fairness of the legal process?	1	2	3	4	5
	14. How long it took to conclude your case?	1	2	3	4	5
	15. How your rights were protected?	1	2	3	4	5

Please use this new scale on all of the following questions:  
1=Not at all; 2=a little; 3=some; 4=quite a lot; 5=very much.

Do you feel that the legal process:		<u>Not at All</u>		<u>Some</u>		<u>Very Much</u>	
{42}	16. Had a bad effect on your child(ren)?	1	2	3	4	5	
	17. Had a good effect on your child(ren)?	1	2	3	4	5	
	18. Had a bad effect on you?	1	2	3	4	5	
	19. Had a good effect on you?	1	2	3	4	5	
	20. Caused problems between you and the children's other parent?	1	2	3	4	5	
	21. Helped settle problems between you and the children's other parent?	1	2	3	4	5	
	22. Helped you reach an agreement that will last?	1	2	3	4	5	
	23. Increased the ability of both parties to settle disputes?	1	2	3	4	5	
Do you feel that:							
	24. Concern was shown for you?	1	2	3	4	5	
	25. Concern was shown for your child(ren)?	1	2	3	4	5	
	26. The costs of this litigation were a financial hardship?	1	2	3	4	5	
	27. The decision reached in your case interferes with other needs which your family has?	1	2	3	4	5	
	28. Your family and its needs got lost in the legal process?	1	2	3	4	5	

If you appeared before a judge, answer the following questions with the scale below. If you did not appear before a judge, go to question 36.

1=not at all; 2=a little; 3=some; 4=quite a bit; 5=very much; 9=does not apply.

Do you feel that:		NA	Not at All	2	Some	4	Very Much
		9	1		3		5
651	29. The judge was impartial?			2	3	4	5
	30. The court staff was helpful?	9	1	2	3	4	5
	31. The judge listened to your concerns?	9	1	2	3	4	5
	32. The judge's decision responded to the specific concerns you had in the dispute?	9	1	2	3	4	5
	33. The judge understood your family and its many needs?	9	1	2	3	4	5
	34. The experts who testified in this case were fair and understood your family's needs:						
	witnesses for you:	9	1	2	3	4	5
	witnesses for your spouse:	9	1	2	3	4	5
	35. The judge seemed to listen to what the expert witnesses said?	9	1	2	3	4	5

These questions apply to all survey participants.

Please consider your experience with the legal process when answering the following questions. Write "Y" for Yes or "N" for No.

36. \_\_\_ (Y/N) Were you aware that you have the right to appeal the judge's decision in your case?

37. \_\_\_ (Y/N) Did you choose to appeal the decision?  
(If yes, answer a. If no, skip to b.)

a. If 37 is Yes, answer this:

Why did you choose to initiate the appeal process? Check all item(s) applicable.

- 1651
- I was dissatisfied with the decision.
  - I chose to exercise my rights because the appeal process is available to me.
  - I can afford the financial costs of the process.
  - Other [69] \_\_\_\_\_

b. If 37 is No, answer this:

Why did you choose not to appeal the judge's decision? Check all item(s) applicable.

- 1891
- I was worried about the emotional damage to my child(ren).
  - I could not afford the costs.
  - I was unaware of the option.
  - I was worried about the emotional damage to me.
  - The appeal process takes too much time.
  - I was satisfied with the decision.
  - The divorce was uncontested.
  - Other [97] \_\_\_\_\_

17) 38. \_\_\_ (Y/N) Were you satisfied with the judge's decision in your case?

39. \_\_\_ (Y/N) Was the primary residence of any child changed by court order during this trial process?

40. Please indicate who was represented by a lawyer at any time during the trial process.
- [119]  All parties represented  
 Petitioner represented  
 Defendant represented  
 Child(ren) represented by own attorney
- [123] 41. \_\_\_ (Y/N) If you were not represented by a lawyer, were court personnel helpful in processing your case?
42. \_\_\_ (Y/N) If you were represented by a lawyer, were you satisfied with your lawyer's services?
43. Please check which services were used in your case.
- [125]  Mediation  
 Counseling  
 Court-ordered investigation  
 Support enforcement  
 No services were used.  
 Other (Please Specify) [131] \_\_\_\_\_
- [151] 44. If any of the above services were used, were they:
- 1  Recommended by the judge and agreed to by the parties?  
2  Ordered by the judge?  
3  Separately agreed to by the parties?  
4  Initiated by one of the parties?
- [152] 45. \_\_\_ (Y/N) If these services were used, did they help you to settle one or more of the issues in your case?
46. \_\_\_ (Y/N) Was the booklet entitled "Family Court Information" given to you?
47. \_\_\_ (Y/N) If you received the booklet, was it useful in informing you about the Family Court?
48. Before January 1, 1990, did you or any member of your family have contact with a court on any of the following matters? (Check all that apply)
- [155]  Custody  
 Visitation  
 Child Support  
 Spousal Support  
 Termination of Parental Rights  
 Divorce  
 Annulment or Affirmation of marriage  
 Property Distribution  
 Child in need of supervision/services  
 Delinquency  
 Spouse Abuse  
 Criminal offenses between spouses  
 Child abuse/neglect
49. Since January 1, 1990, have you or any member of your family had contact with a court on any of the following matters? (Check all that apply)
- [168]  Child in need of supervision/services  
 Delinquency  
 Spouse Abuse  
 Criminal offenses between spouses  
 Child abuse/neglect

**Part C**

**NOTE: IF YOU HAVE NO DEPENDENT CHILDREN, SKIP TO PART D ON THE LAST PAGE.**

50. Supply the following information on each of your children under the age of 18. Do not list their names.

	Child's <u>Sex</u>	<u>Age</u>	School <u>Grade</u>	Legal <u>Custody</u> (M=Mother; F=Father; J=Joint; O=Other)	Does Child Reside With You? <u>(Yes or No)</u>
{173}	#1: —	—	—	—	—
{180}	#2: —	—	—	—	—
	#3: —	—	—	—	—
	#4: —	—	—	—	—
	#5: —	—	—	—	—
	#6: —	—	—	—	—

Please circle the number that best reflects your feelings about these child-related issues:

1 = much better; 2 = better; 3 = same; 4 = worse; 5 = much worse.

Compared to the way things were before you were involved with the legal process:

		<u>Much Better</u>		<u>Same</u>		<u>Much Worse</u>
{215}	51. Your custody arrangements are	1	2	3	4	5
	52. Your visitation arrangements are	1	2	3	4	5
	53. Your child support arrangements are	1	2	3	4	5
	54. Your relationship with your children is	1	2	3	4	5
	55. Your children's relationship with the other parent is	1	2	3	4	5
	56. Your relationship with your children's other parent is	1	2	3	4	5
	57. Your communication with the children's other parent is	1	2	3	4	5
	58. Disagreements about discipline with the children's other parent are	1	2	3	4	5
	59. Your children's feeling about you are	1	2	3	4	5
	60. Your children's feelings about themselves are	1	2	3	4	5
	61. Your children's behavior is	1	2	3	4	5

Your Comments to Us

Please describe below any information about your experiences in the Court which you feel may be helpful to our evaluation process:

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---

---

---

---

---

---

---

Thank You

For Office Use Only

[226]

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CHIEF JUSTICE  
HARRY L. CARRICO

JUSTICES  
A. CHRISTIAN COMPTON  
ROSCOE B. STEPHENSON, JR.  
HENRY H. WHITING  
ELIZABETH B. LACY  
LEROY ROUNTREE MASSELL  
BARBARA MILANO KEENAN

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EXECUTIVE SECRETARY  
ROBERT M. BALDWIN  
ASST. EXECUTIVE SECRETARY  
FREDERICK A. HODNETT, JR.  
CHIEF STAFF ATTORNEY  
JOHN THOMAS BRUCE  
REPORTER OF DECISIONS  
KENT SINCLAIR

December 15, 1991

Dear Survey Participant:

In 1988 the Judicial Council of Virginia completed a study of ways to improve the handling of family law matters in the courts of the Commonwealth. The following year the General Assembly passed a law establishing experimental family courts. This law resulted in the creation of ten pilot family courts throughout Virginia. The pilot project began on January 1, 1990, and will end December 31, 1991. The law requires an evaluation of the project, and it is for this reason that I am writing to you.

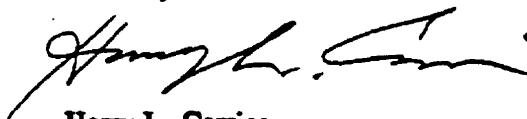
Court records show that you were a party in a family law matter in 1990 or 1991 and that you appealed a family law matter to the Circuit Court. Therefore, you have been selected to participate in this family law survey. It is very important for this evaluation that those persons involved in family law cases be surveyed to obtain information so that a comparison can be made between the family court and our present system. Your experiences in the juvenile and domestic relations district court and the circuit court are of great interest to us.

Enclosed is a survey that I ask you to complete. This will require a few minutes of your time. Even though you may have previously completed a similar survey, it is important that you respond to this mailing about your experience with the appeal process. The blue survey should reflect your experience with the juvenile court. The shorter white survey should reflect your experience in the circuit court when trying your appeal.

After you have completed this survey, I ask that you return it within seven (7) days in the enclosed postage-paid envelope. I wish also to assure you that your answers are strictly confidential and that all responses will be anonymous. Your cooperation is vitally important to the success of this evaluation.

Thank you for your contribution to our efforts to improve Virginia's judicial system.

Sincerely,



Harry L. Carrico  
Chief Justice of Virginia

HLC/ed  
Enclosure



SURVEY OF COURT LITIGANTS

Part A  
BACKGROUND INFORMATION

[11] 1. \_\_\_/\_\_\_/\_\_\_ Today's Date

2. \_\_\_ Sex

3. Race:

- 1  White, non-Hispanic
- 2  Afro-American
- 3  Native American
- 4  Hispanic
- 5  Asian/Pacific Islander
- 6  Other

4. \_\_\_ Age

[11] 5. Occupation \_\_\_\_\_

[26] 6. Highest Grade Completed:

- 1  Did not graduate High School
- 2  High School Diploma
- 3  Up to 2 yrs. College
- 4  College Degree
- 5  Post-Graduate Study

7. My case involved issues in these areas (circle all that apply):.

- [27]
- 1. Uncontested Divorce
  - 2. Grounds for Contested Divorce
  - 3. Custody
  - 4. Visitation
  - 5. Child Support
  - 6. Property Distribution
  - 7. Spousal Support

[34] 8. \_\_\_ Which of the disputes in item #7 above was the most serious?

[35] 9. If your case involved custody, support, or visitation issues, please check one:

- 1  I am a parent of the child(ren).
- 2  I am a non-parent, relative of the child(ren).
- 3  I am a non-relative of the child(ren).

Part B

You will be asked some specific questions about how satisfied you are with the legal process relating to your case. Please answer ALL QUESTIONS by circling a number from this list:

1=very satisfied; 2=satisfied; 3=neither satisfied nor dissatisfied; 4=dissatisfied; 5=very dissatisfied.

How satisfied are you with:		<u>Very Satis.</u>			<u>Very Dissat.</u>	
[36]	10. The results of your case?	1	2	3	4	5
	11. The total legal costs for these proceedings?	1	2	3	4	5
	12. Your participation in the legal process?	1	2	3	4	5
	13. The fairness of the legal process?	1	2	3	4	5
	14. How long it took to conclude your case?	1	2	3	4	5
	15. How your rights were protected?	1	2	3	4	5

Please use this new scale on all of the following questions:  
1=Not at all; 2=a little; 3=some; 4=quite a lot; 5=very much.

Do you feel that the legal process:		<u>Not at All</u>		<u>Some</u>		<u>Very Much</u>
[42]	16. Had a bad effect on your child(ren)?	1	2	3	4	5
	17. Had a good effect on your child(ren)?	1	2	3	4	5
	18. Had a bad effect on you?	1	2	3	4	5
	19. Had a good effect on you?	1	2	3	4	5
	20. Caused problems between you and the children's other parent?	1	2	3	4	5
	21. Helped settle problems between you and the children's other parent?	1	2	3	4	5
	22. Helped you reach an agreement that will last?	1	2	3	4	5
	23. Increased the ability of both parties to settle disputes?	1	2	3	4	5
Do you feel that:						
	24. Concern was shown for you?	1	2	3	4	5
	25. Concern was shown for your child(ren)?	1	2	3	4	5
	26. The costs of this litigation were a financial hardship?	1	2	3	4	5
	27. The decision reached in your case interferes with other needs which your family has?	1	2	3	4	5
	28. Your family and its needs got lost in the legal process?	1	2	3	4	5

If you appeared before a judge, answer the following questions with the scale below. If you did not appear before a judge, go to question 36.

1=not at all; 2=a little; 3=some; 4=quite a bit; 5=very much; 9=does not apply.

Do you feel that:		NA	Not at All	2	Some	4	Very Much
		9	1		3		5
[55]	29. The judge was impartial?	9	1	2	3	4	5
	30. The court staff was helpful?	9	1	2	3	4	5
	31. The judge listened to your concerns?	9	1	2	3	4	5
	32. The judge's decision responded to the specific concerns you had in the dispute?	9	1	2	3	4	5
	33. The judge understood your family and its many needs?	9	1	2	3	4	5
	34. The experts who testified in this case were fair and understood your family's needs:						
	witnesses for you:	9	1	2	3	4	5
	witnesses for your spouse:	9	1	2	3	4	5
	35. The judge seemed to listen to what the expert witnesses said?	9	1	2	3	4	5

These questions apply to all survey participants.

Please consider your experience with the legal process when answering the following questions. Write "Y" for Yes or "N" for No.

36. \_\_\_ (Y/N) Were you aware that you have the right to appeal the judge's decision in your case?

37. \_\_\_ (Y/N) Did you choose to appeal the decision?  
(If yes, answer a. If no, skip to b.)

a. If 37 is Yes, answer this:

Why did you choose to initiate the appeal process? Check all item(s) applicable.

- [65]
- I was dissatisfied with the decision.
  - I chose to exercise my rights because the appeal process is available to me.
  - I can afford the financial costs of the process.
  - Other [69] \_\_\_\_\_

b. If 37 is No, answer this:

Why did you choose not to appeal the judge's decision? Check all item(s) applicable.

- [89]
- I was worried about the emotional damage to my child(ren).
  - I could not afford the costs.
  - I was unaware of the option.
  - I was worried about the emotional damage to me.
  - The appeal process takes too much time.
  - I was satisfied with the decision.
  - The divorce was uncontested.
  - Other [91] \_\_\_\_\_

[117] 38. \_\_\_ (Y/N) Were you satisfied with the judge's decision in your case?

39. \_\_\_ (Y/N) Was the primary residence of any child changed by court order during this trial process?

40. Please indicate who was represented by a lawyer at any time during the trial process.
- [119]  All parties represented  
 Petitioner represented  
 Defendant represented  
 Child(ren) represented by own attorney
- [123] 41. \_\_\_ (Y/N) If you were not represented by a lawyer, were court personnel helpful in processing your case?
42. \_\_\_ (Y/N) If you were represented by a lawyer, were you satisfied with your lawyer's services?
43. Please check which services were used in your case.
- [125]  Mediation  
 Counseling  
 Court-ordered investigation  
 Support enforcement  
 No services were used.  
 Other (Please Specify) [131] \_\_\_\_\_
- [151] 44. If any of the above services were used, were they:
- 1  Recommended by the judge and agreed to by the parties?  
2  Ordered by the judge?  
3  Separately agreed to by the parties?  
4  Initiated by one of the parties?
- [152] 45. \_\_\_ (Y/N) If these services were used, did they help you to settle one or more of the issues in your case?
46. \_\_\_ (Y/N) Was the booklet entitled "Family Court Information" given to you?
47. \_\_\_ (Y/N) If you received the booklet, was it useful in informing you about the Family Court?
48. Before January 1, 1990, did you or any member of your family have contact with a court on any of the following matters? (Check all that apply)
- [155]  Custody  
 Visitation  
 Child Support  
 Spousal Support  
 Termination of Parental Rights  
 Divorce  
 Annulment or Affirmation of marriage  
 Property Distribution  
 Child in need of supervision/services  
 Delinquency  
 Spouse Abuse  
 Criminal offenses between spouses  
 Child abuse/neglect
49. Since January 1, 1990, have you or any member of your family had contact with a court on any of the following matters? (Check all that apply)
- [168]  Child in need of supervision/services  
 Delinquency  
 Spouse Abuse  
 Criminal offenses between spouses  
 Child abuse/neglect

**Part C**

**NOTE: IF YOU HAVE NO DEPENDENT CHILDREN, SKIP TO PART D ON THE LAST PAGE.**

50. Supply the following information on each of your children under the age of 18. Do not list their names.

	Child's <u>Sex</u>	<u>Age</u>	School <u>Grade</u>	Legal <u>Custody</u> (M=Mother; F=Father; J=Joint; O=Other)	Does Child Reside With You? <u>(Yes or No)</u>
[173]	#1: —	—	—	—	—
[180]	#2: —	—	—	—	—
	#3: —	—	—	—	—
	#4: —	—	—	—	—
	#5: —	—	—	—	—
	#6: —	—	—	—	—

Please circle the number that best reflects your feelings about these child-related issues:

1 = much better; 2 = better; 3 = same; 4 = worse; 5 = much worse.

Compared to the way things were before you were involved with the legal process:

		<u>Much Better</u>	<u>Same</u>	<u>Much Worse</u>		
[215]	51. Your custody arrangements are	1	2	3	4	5
	52. Your visitation arrangements are	1	2	3	4	5
	53. Your child support arrangements are	1	2	3	4	5
	54. Your relationship with your children is	1	2	3	4	5
	55. Your children's relationship with the other parent is	1	2	3	4	5
	56. Your relationship with your children's other parent is	1	2	3	4	5
	57. Your communication with the children's other parent is	1	2	3	4	5
	58. Disagreements about discipline with the children's other parent are	1	2	3	4	5
	59. Your children's feeling about you are	1	2	3	4	5
	60. Your children's feelings about themselves are	1	2	3	4	5
	61. Your children's behavior is	1	2	3	4	5

Your Comments to Us

Please describe below any information about your experiences in the Court which you feel may be helpful to our evaluation process:

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Thank You

For Office Use Only

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PLEASE ANSWER THESE QUESTIONS ABOUT YOUR  
EXPERIENCE IN THE CIRCUIT COURT.

You will be asked some specific questions about how satisfied you are with the legal process relating to your case. Please answer ALL QUESTIONS by circling a number from this list:

1=very satisfied; 2=satisfied; 3=neither satisfied nor dissatisfied; 4=dissatisfied; 5=very dissatisfied.

How satisfied are you with:		<u>Very Satis.</u>			<u>Very Dissat.</u>	
P6)	10. The results of your case?	1	2	3	4	5
	11. The total legal costs for these proceedings?	1	2	3	4	5
	12. Your participation in the legal process?	1	2	3	4	5
	13. The fairness of the legal process?	1	2	3	4	5
	14. How long it took to conclude your case?	1	2	3	4	5
	15. How your rights were protected?	1	2	3	4	5

Please use this new scale on all of the following questions:  
1=Not at all; 2=a little; 3=some; 4=quite a lot; 5=very much.

Do you feel that:		<u>Not at All</u>		<u>Some</u>		<u>Very Much</u>	
	24. Concern was shown for you?	1	2	3	4	5	
	25. Concern was shown for your child(ren)?	1	2	3	4	5	
	26. The costs of this litigation were a financial hardship?	1	2	3	4	5	
	27. The decision reached in your case interferes with other needs which your family has?	1	2	3	4	5	
	28. Your family and its needs got lost in the legal process?	1	2	3	4	5	

If you appeared before a judge, answer the following questions with the scale below. If you did not appear before a judge, go to question 36.

1=not at all; 2=a little; 3=some; 4=quite a bit; 5=very much; 9=does not apply.

Do you feel that:		<u>NA</u>	<u>Not at All</u>		<u>Some</u>		<u>Very Much</u>	
P5)	29. The judge was impartial?	9	1	2	3	4	5	
	30. The court staff was helpful?	9	1	2	3	4	5	
	31. The judge listened to your concerns?	9	1	2	3	4	5	
	32. The judge's decision responded to the specific concerns you had in the dispute?	9	1	2	3	4	5	
	33. The judge understood your family and its many needs?	9	1	2	3	4	5	
	34. The experts who testified in this case were fair and understood your family's needs:							
	witnesses for you:	9	1	2	3	4	5	
	witnesses for your spouse:	9	1	2	3	4	5	

40. Please indicate who was represented by a lawyer at any time during the trial process.

- All parties represented
- Petitioner represented
- Defendant represented
- Child(ren) represented by own attorney

41. — (Y/N) If you ~~WERE~~ NOT represented by a lawyer, were court personnel helpful in processing your case?

42. — (Y/N) If you ~~WERE~~ represented by a lawyer, were you satisfied with your lawyer's services?

NOTE: If you have no dependent children, skip these questions.

Please circle the number that best reflects your feelings about these child-related issues:

1 = much better; 2 = better; 3 = same; 4 = worse; 5 = much worse.

Compared to the way things were before you were involved with the legal process:

		<u>Much Better</u>		<u>Same</u>		<u>Much Worse</u>
51.	Your custody arrangements are	1	2	3	4	5
52.	Your visitation arrangements are	1	2	3	4	5
53.	Your child support arrangements are	1	2	3	4	5
54.	Your relationship with your children is	1	2	3	4	5
55.	Your children's relationship with the other parent is	1	2	3	4	5
56.	Your relationship with your children's other parent is	1	2	3	4	5
57.	Your communication with the children's other parent is	1	2	3	4	5
58.	Disagreements about discipline with the children's other parent are	1	2	3	4	5
59.	Your children's feeling about you are	1	2	3	4	5
60.	Your children's feelings about themselves are	1	2	3	4	5
61.	Your children's behavior is	1	2	3	4	5

Thank you.



**Appendix C**

**SUMMARY OF SURVEY OF LAWYERS**

**Family Court Pilot Project**

**Prepared by:**

**Robert E. Emery, Ph.D., Department of Psychology, University of Virginia**

**With the assistance of:**

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Charlottesville, VA 22903**

## SURVEY OF LAWYERS

Robert E. Emery, Ph.D.  
University of Virginia

### The Sample Surveyed

In order to evaluate the Family Court from the perspective of the trial lawyer, surveys were mailed to a total of 958 lawyers who practiced in 19 jurisdictions throughout Virginia, including all of the Family Court jurisdictions. Lawyers who received the survey were identified by the clerks of the Family Court and Circuit Court in each of the localities participating in the pilot project as practicing family and juvenile law in those areas. When completing the survey, the lawyers were asked to restrict their ratings to the relevant experimental or control jurisdiction. Lawyers received only one survey regardless of how many cases they actually represented in the experimental or control courts. Of the total of 958 lawyers who were mailed surveys, 482 (50%) returned completed surveys. This is an outstanding return rate for a survey of this nature.

Lawyers who completed the anonymous surveys provided several pieces of information that can be used to characterize the sample. The responding lawyers practiced in 15 different jurisdictions in Virginia, with the largest groups of respondents practicing in Alexandria (18%), Fairfax (15%), Lynchburg (14%), Loudoun (13%), and Roanoke County (10%). (See question number 1 on the survey in Attachment C.1 to this paper for the percentage of lawyers representing each jurisdiction.) The majority of the lawyer respondents were White (94%; 1% Black; 5% other minorities) and male (79%). Their average age was 44 years old, and the respondents had practiced law for an average of 14 years. The lawyers responded that an average of 33% of their private practice was devoted to family law, and they estimated that they had handled an average of 34 divorce cases in 1990. In addition, these attorneys indicated that they had appeared in an average of 27 cases in the Family Court. Clearly, this sample of trial lawyers had considerable general experience, and they had frequent contact with the Family Courts in Virginia.

### The Survey

The lawyers' survey was developed by the members of the Subcommittee on Evaluation. The actual survey can be found in Attachment C.1 to this paper. Four general areas of questions were contained in the lawyers' survey: (1) the lawyers' overall opinions of the Family Court and related issues; (2) the lawyers' satisfaction with the quality of justice in the Family Court as compared with Circuit Court, (3) the lawyers' estimates of the availability of hearing dates and delays involved in resolving disputes in the Family Court compared with the traditional courts; and (4) the lawyers' views and actions regarding Family Court referrals and the appeals process. The second and third areas of questions are of particular importance, because the experimental

and traditional courts were directly compared by many lawyers in this large sample who had experience in both types of courts. We begin by considering the lawyers' general views on the Family Court, however.

### Results of the Lawyers' Survey

The findings for the lawyers' survey are reported here narratively according to the four areas of questioning outlined above. Summary data for all survey items can be found in Attachment C.1 to this paper. Both the narrative and summary data report on three subgroups of lawyers. The largest subgroup contains all of the lawyers who responded to a given survey item, the maximum number being 482 lawyers. Summary data for this group is titled "All Subjects" in Attachment C.1. The next largest subgroup is referred to as the "Within Subjects" comparisons in Attachment C.1, and involves a maximum of 383 lawyers. The "Within Subjects" subgroup includes those lawyers who handled cases in both the Family Court and either or both the Circuit and Juvenile Courts and who responded to items about both court types. Thus, the same lawyers' ratings of different courts are used for all "Within Subjects" comparisons. The smallest subgroup is called the "Between Subjects" comparisons in Attachment C.1, and involves a maximum of 80 lawyers. The "Between Subjects" subgroup includes those lawyers who responded to items about only the Family Court or the Circuit or Juvenile Courts, but not both. Thus, different lawyers' ratings of different courts are used for all "Between Subjects" comparisons.

#### Opinions on a Family Court

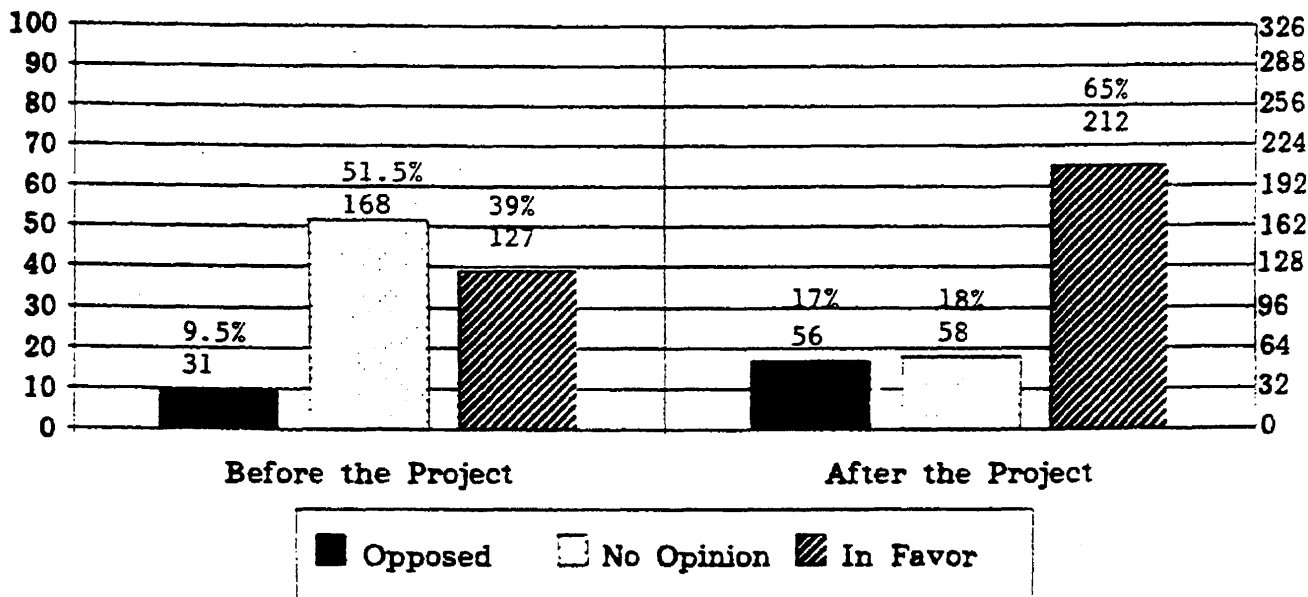
Although not as strong as the judicial opinions, the data indicate clear support for a Family Court among all of the lawyers surveyed. (All data in this section are based on the entire sample of lawyers.) Forty-five percent of the lawyers who responded indicated that they believed a Family Court was an improvement over the present system, 40% indicated that it was no change, and 15% thought it was worse. When asked directly whether they were currently in favor of a Family Court, 57% of the lawyers indicated that they currently favored the new system, 22% opposed it, and 21% said they had no opinion.

The Family Court seems to have influenced the lawyers' opinions primarily in a favorable direction. In comparison to their recall of their earlier beliefs, the biggest shift in the lawyers' opinions was a change from either being opposed or having no opinion on a Family Court to currently supporting the concept (27% of the sample). There also was some shifting in the opposite direction, however, as 14% of the lawyers indicated that they began the experiment either in favor of the Family Court or with no opinion, but they currently opposed it. As with the judges' data, however, the largest group was comprised of lawyers who supported the idea of a Family Court both before and after the experiment (30%).

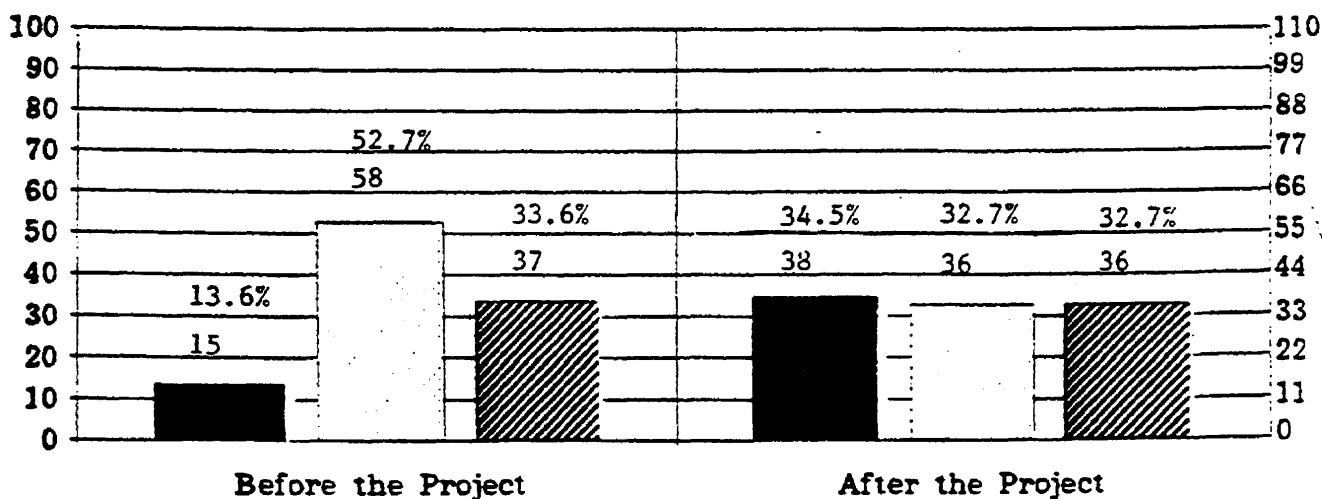
The bar graphs which follow illustrate opinions about the Family Court by the responding lawyers in the three categories of opposed, no opinion, and in favor. The opinions of lawyers who practiced in the Juvenile Court pilots are shown in the first bar graph. The opinions of lawyers who practiced in the Circuit Court pilots are shown in the second bar graph. The first

set of columns shows their opinions before practicing before a Family Court or otherwise being aware of a pilot court in their locality. The second set of columns shows their opinions after the Family Court had been in effect for eighteen months.

**Preference of Lawyers in J&DR Pilots for the Creation of a Family Court**



**Preference of Lawyers in Circuit Pilots for the Creation of a Family Court**



The significant difference in favorable opinion between the lawyers in the Juvenile Court pilots (65%) and those in the Circuit Court pilots (32%) is important to note. The members of the bar in the Circuit Court pilots were clearly ambivalent or negative about the pilot's effect on improving the handling of family law disputes.

### Views on Respect for the Court

The lawyers also tended to agree with the judges that more respect was accorded to the Family Court than to the Juvenile and Domestic Relations District Court, but again the attorneys' opinions were not as strong as those of the judges. Thirty-one percent felt that lawyers had more respect for the Family Court, while 67% believed that lawyers' respect for the two courts was the same. Only 2% said they had less respect. Similarly, 27% of the lawyers felt the parties gave the Family Court more respect, while 72% indicated equal respect. Only 1% said they gave it less respect.

### Opinions on Trial De Novo

The lawyers' opinions were divided when they were asked about the de novo appeal, one of the major changes from Juvenile Court to a Family Court. Fifty-one percent of the lawyers surveyed believed that the de novo appeal was a benefit in custody, visitation, support, and termination of parental rights cases, while 36% indicated it was a liability. The remaining 13% said that it had no effect. Similarly, 43% said that an appeal on the record was worse than a de novo appeal, 41% said it was better, and 16% said it was no change. However, many attorneys (46%) felt that the de novo appeal resulted in the parties having less respect for Juvenile Court, while only 1% felt that appeal de novo resulted in more respect. Fifty-three percent thought that it had no effect on the parties' respect.

### Views on Alternative Dispute Resolution (ADR)

The lawyers' survey also gives a different perspective than the judicial data on the use of ADR, with the lawyers indicating less use of alternative dispute resolution than the judges. Nevertheless, considerable support for ADR was found among the lawyers. Twenty-two percent of the lawyers said ADR was used in their Family Court cases, 78% said that it wasn't. (A large number of lawyers left this question blank, perhaps because their cases were uncontested, a fact which also surely accounts for the seemingly infrequent use of ADR.) Similarly, 25% said that ADR was used in their Circuit Court cases, 75% said that it was not used, although many lawyers did not answer the item. Of those 117 lawyers who said that ADR was used for their cases, 61% said that it resolved or narrowed the issues for trial, while 39% said that it did not.

Even if ADR was not used for their own cases in the Family Court, the lawyers could express an opinion about the concept. Seventy-five percent of the 385 lawyers who answered the appropriate item indicated that they supported the use of ADR for their own clients, and only a quarter opposed ADR. Only 21% of the lawyers thought that ADR should be mandatory, however, with the remainder preferring voluntary ADR.

### Quality of Justice in Family Court versus Circuit Court

The lawyers were asked a number of questions concerning their perception of the quality

of justice in the Family Court as compared with that in the Circuit Court. These important comparisons were tested in two ways when analyzing the data. The primary comparison was conducted for those 383 lawyers who had cases in both a Family Court and in a Circuit Court since January 1, 1990. These "Within Subjects" comparisons provide each lawyer's direct comparison of his or her own experiences in the two types of courts. A secondary analysis was conducted comparing the Family Court and the Circuit Court for the much smaller group of lawyers who only had cases in a Family Court (N = 31) or in a Circuit Court (N = 48), but not in both. This "Between Subjects" analysis thus compares different lawyers' ratings of different courts. Finally, it should be noted that the large number of lawyers participating in the survey allowed for a meaningful analysis of the data. (The statistical analysis is reported for all items in Attachment C.1 to this paper.)

The overall pattern of findings is as follows. Attorney satisfaction with the quality of justice in the Family Courts was equal to or greater than that found for the Circuit Courts. According to the "Within Subjects" analysis, which compared the same lawyers rating the two types of courts, the attorneys who responded to the survey indicated that the Family Courts were significantly better than the Circuit Court in terms of the demeanor of the judge, the availability of early hearings for pendente lite hearings, the allocation of sufficient time for pendente lite hearings, the conclusion of contested divorce cases without delay, and lower total litigation costs. There were no differences between the two types of courts in terms of the judge's application of the law, the overall quality of justice, or the conclusion of uncontested divorce cases without delay.

A similar pattern of findings was revealed in the "Between Subjects" analysis, where the small number of lawyers who had experience in only one type of court were compared. None of the differences for this analysis reached the level of "statistical significance" that is traditionally accepted by social scientists, however. Overall, the clear and consistent pattern of findings is that lawyers reported that the quality of justice in the Family Court was either greater than or equal to that in the Circuit Court.

#### Hearing Availability and Delays in the Family Court versus Traditional Courts

Another series of questions asked the lawyers to compare the time and expense involved in adjudicating cases in the Family Court as compared with the Circuit Court, or where appropriate, as compared with the Juvenile and Domestic Relations District Court. As with the questions concerning quality of justice, the number of lawyers was sufficiently large to allow for a meaningful statistical analysis of the responses. The findings on time and expense were conducted only for "Within Subjects" analysis of 383 lawyers who had experiences in both types of court. Analysis was limited to this group, because it comprises the bulk of the lawyers surveyed, and because the direct experience of this group of lawyers in both courts provides the best comparison of case processing time.

The findings on time and delays in the two courts are as follows. In all cases, the lawyers indicated that they waited a significantly less amount of time to schedule hearings and

conclude cases in the Family Court than in the Circuit Court. For every item on the survey, the more rapid processing of cases in the Family Court than in Circuit Court was statistically significant. Specifically, the lawyers who had experience in both courts indicated that the Family Court was significantly better than the traditional Circuit Court in terms of the availability of pendente lite hearings of less than 30 minutes, the availability of pendente lite hearings of more than 30 minutes, the conclusion of uncontested divorce cases, the availability of divorce hearings of three hours or less, the availability of divorce hearings greater than three hours, the speed of reaching uncontested custody determinations, the speed of reaching contested custody determinations, and the speed of determining child support.

When the Family Court was compared with Juvenile and Domestic Relations District Court, the time involved in processing cases was judged to be equal by the group of lawyers who had experience in both types of courts, as indicated by the data in Attachment C.1. The types of cases which the survey addressed for these two courts are identical.

### Objections to Family Court Referrals

Another area of questions in the lawyers' survey concerned their objections to referrals to the Family Court. Of the total sample of lawyers surveyed, 25% indicated that they objected to at least one of their cases being referred to the Family Court, while 75% indicated that they never objected to a referral. Of those 101 lawyers who indicated that they had objected to at least one case, 47 (46%) said that they objected to the referral of less than one-fifth of their cases, 20 (20%) said they objected to between one-fifth and one-half of their cases, and 34 (34%) said they objected to half or more of their referrals.

It can be noted that the Family Court clerks reported that the number of objections by lawyers significantly decreased after the first few months of the two-year project.

### Appeals Process

The final area of questions in the lawyers' survey addressed items about hypothetical appeals that would have been perfected if a trial de novo had been available in Family Court cases. The lawyers were not asked whether or not they had actually appealed any of their cases from either Family, Circuit, or Juvenile and Domestic Relations District Courts. These data are available from other sources. However, the lawyers were asked whether they hypothetically would have perfected more appeals for their Family Court cases if a trial de novo had been available. Sixty-two percent of the 350 lawyers who answered this item indicated that they would have made more appeals if their Family Court cases had not been trials on the record.

Given this large number of lawyers who say they would have appealed cases under the Juvenile Court system, their responses to why they chose not to make an appeal on the record are of interest. The most common reasons given for not appealing were the cost and time involved. Fully 202 of 211 (96%) of the lawyers who answered this item indicated that they did not appeal their Family Court cases because their clients could not afford the costs of appeal.

Similarly, 152 of 198 (77%) lawyers who responded to the appropriate item indicated that they did not appeal because the appeals process takes too much time. Smaller percentages indicated that they did not appeal because there were no appealable issues (92 of 175 lawyers who answered the item, or 53%), because their clients were worried about emotional damage to their children (64 of 138 lawyers, or 46%), or because their clients were worried about emotional damage to themselves (44 of 132 lawyers, or 25%).

Given that the lawyers indicated that they would have made many more appeals if a trial de novo was available to them, nonetheless they also reported that their past de novo appeals generally had not resulted in a substantially different outcome. When asked what percentage of the de novo appeals in which they had appeared resulted in a substantial change in child support, the average reported by all lawyers was 25%. Moreover, the lawyers reported that only 23% of their de novo appeals of custody or visitation resulted in a substantial change in outcome.

### Summary

Overall, the lawyers' surveys provide support for the Family Court. The pattern of support, however, differs from that found in the judges' surveys. In terms of the experiment, the most important findings from the lawyers' surveys concern their comparisons of the Family Court with the traditional Circuit Court and with the Juvenile Court. The lawyers indicated greater or equal satisfaction with the quality of justice in the Family Court in comparison to the Circuit Court. The Family Court was rated as being significantly better than the traditional Circuit Court in terms of the demeanor of the judge, the availability of early hearings for pendente lite hearings, the allocation of sufficient time for pendente lite hearings, the conclusion of contested divorce cases without delay, and lower total litigation costs.

The lawyers also said that the speed of processing cases was significantly faster in the Family Court than in the Circuit Court for every item in the survey. Specifically, the lawyers indicated that the Family Court was significantly better than the traditional Circuit Court in terms of the availability of pendente lite hearings of less than 30 minutes, the availability of pendente lite hearings of more than 30 minutes, the conclusion of uncontested divorce cases, the availability of divorce hearings of three hours or less, the availability of divorce hearings greater than three hours, the speed of reaching uncontested custody determinations, the speed of reaching contested custody determinations, and the speed of determining child support. The lawyers reported that the Family Court and Juvenile Court were no different in terms of the early availability of hearings and the speed of concluding of cases. It is noted that the lawyers indicated significantly greater satisfaction with the Circuit Court clerk's office than with the Family Court clerk's office. These beliefs can, in part, be attributed to the pilot nature of the court processes administered by the clerks.

Finally, although their opinions on a trial de novo versus a trial on the record were equivocal, the majority of lawyers indicated that they support the concept of a Family Court. The data suggest that the experiment had the effect of increasing the support for a Family Court reported by the lawyers.



**ATTACHMENT C.1**

**Lawyer Survey Data for Various Subgroups of Lawyers**

## KEY TO SURVEY OF LAWYERS

"All subjects" refers to all 482 lawyers who responded to the survey. The number of responses varies for some items because not all lawyers answered all items.

"Within subjects" refers to the 383 lawyers who responded to the questions about both the Family Court and the Circuit Court (or Juvenile Court). All statistical tests are based on within subjects analyses for this subsample. The number of responses varies for some items because not all lawyers answered all items.

"Between subjects" refers to the 80 lawyers who responded to the questions about either the Family Court or the Circuit Court (or Juvenile Court) but not both. All statistical tests are based on between subjects analyses for this subsample. The number of responses varies for some items because not all lawyers answered all items.

Percentages are reported for most items. The actual number of responses on which the percentages are based are reported in parentheses.

"Mean" refers to the statistical average. "n=" refers to the number of responses. "t" refers to t-tests, a statistical comparison between two groups. "p" refers to the exact probability that the difference in means occurred by chance. A "p" value of .05 or less is generally considered to be "statistically significant", that is, it is assumed that the difference has not occurred by chance.

## Lawyer Data - All Subjects

<b>1. Jurisdiction of practice:</b>		<b>Total n=482</b>
	Albemarle	3% (17)
	Arlington	2% (9)
	Fairfax County	15% (73)
	Loudoun	13% (65)
	Mecklenburg	3% (14)
	Prince William	1% (1)
	Pulaski	4% (19)
	Roanoke County	10% (51)
	Smyth	4% (21)
	Alexandria	18% (85)
	Chesapeake	5% (25)
	Falls Church	1% (1)
	Franklin	1% (1)
	Lynchburg	14% (69)
	Roanoke City	6% (30)

(2. Date)

<b>3. Sex:</b>	male	79% (374)
	female	21% (101)
	not reported	( 7)

<b>4. Race:</b>	Afro-American	1% ( 5)
	Asian	1% ( 4)
	Hispanic	1% ( 4)
	Native American	2% ( 13)
	White	94% (440)
	Other	1% ( 2)
	not reported	( 14)

**5. Age:** mean=43.9

**6. Number of cases in Family Court in which you have appeared:** mean=26.6

**7. Number of years in private practice:** mean=14.2

**8. Estimated number of divorce cases you handled in 1990:** mean=33.7

**9. Percentage of your practice which is devoted to family law:** mean=33.0%

### SATISFACTION WITH COURT EXPERIENCE:

		<u>Family Court</u>	<u>Circuit Court</u>
<b>10. Operation of the clerk's office</b>	Very Dissatisfied	1	
		2	3% ( 14)
		3	8% ( 34)
		4	18% ( 74)
		5	16% ( 68)
	Very Satisfied	4	32% (133)
		5	39% (167)
not reported		39% (163)	41% (172)
		( 64)	( 53)

		<u>Family Court</u>	<u>Circuit Court</u>
11. Judge's application of the law in my cases	Very Dissatisfied 1	3% ( 10)	1% ( 5)
	2	4% ( 15)	2% ( 9)
	3	17% ( 71)	15% ( 63)
	4	40% (164)	49% (207)
	Very Satisfied 5	36% (148)	33% (137)
	not reported	( 74)	( 61)
12. Demeanor of the judge	Very Dissatisfied 1	2% ( 8)	1% ( 5)
	2	3% ( 14)	4% ( 15)
	3	12% ( 48)	16% ( 69)
	4	32% (132)	37% (155)
	Very Satisfied 5	51% (210)	42% (179)
	not reported	( 70)	( 59)
13. Overall quality of justice	Very Dissatisfied 1	1% ( 7)	1% ( 4)
	2	3% ( 11)	2% ( 8)
	3	17% ( 70)	15% ( 64)
	4	40% (163)	51% (214)
	Very Satisfied 5	39% (159)	31% (133)
	not reported	( 72)	( 59)
14. Availability of early hearing dates for pendent lite hearings	Very Dissatisfied 1	6% ( 18)	3% ( 11)
	2	8% ( 26)	17% ( 67)
	3	23% ( 75)	21% ( 81)
	4	31% (104)	30% (116)
	Very Satisfied 5	32% (107)	29% (110)
	not reported	(152)	( 97)
15. Allocation of sufficient hearing time for pendent lite hearings	Very Dissatisfied 1	4% ( 13)	5% ( 18)
	2	6% ( 20)	12% ( 44)
	3	21% ( 66)	30% (116)
	4	34% (110)	29% (111)
	Very Satisfied 5	35% (111)	24% ( 91)
	not reported	(162)	(102)
16. Conclusion of uncontested divorce cases without undue delay	Very Dissatisfied 1	3% ( 12)	2% ( 9)
	2	6% ( 20)	4% ( 16)
	3	10% ( 37)	14% ( 58)
	4	28% (103)	31% (125)
	Very Satisfied 5	53% (193)	49% (197)
	not reported	(117)	( 77)
17. Conclusion of contested divorce cases without delay	Very Dissatisfied 1	4% ( 9)	4% ( 14)
	2	9% ( 24)	16% ( 55)
	3	23% ( 60)	28% ( 96)
	4	40% (104)	49% (177)
	Very Satisfied 5	24% ( 62)	16% ( 55)
	not reported	(226)	(135)

			<u>Family Court</u>	<u>Circuit Court</u>	
18. Total litigation costs, including legal fees, to my client in the divorce proceedings	Very Dissatisfied	1	2% ( 8)	3% ( 13)	
		2	6% ( 21)	12% ( 47)	
		3	26% ( 90)	34% (133)	
		4	33% (118)	32% (123)	
	Very Satisfied	5	33% (118)	19% ( 72)	
	not reported		(127)	( 94)	
19. Have you objected to referral of any of your divorce, annulment, or affirmation of marriage cases to the Family Court?	Yes	25% ( 98)			
	No	75% (296)			
	n/a	( 88)			
20. If yes, what percentage of your cases have you objected to referral?	0-20%	46% ( 47)			
	20-50%	20% ( 20)			
	50-100%	34% ( 34)			
	missing	(381)			
21. Was any alternative dispute resolution (ADR) service, such as mediation or conciliation, used in any of your cases in:					
A. Family Court?	Yes	22% ( 78)			
	No	78% (273)			
	n/a	(131)			
B. Circuit Court?	Yes	25% ( 88)			
	No	75% (268)			
	n/a	(126)			
22. If 21.A or 21.B above is answered "yes," were issues resolved through ADR service which resulted in settling the case or in narrowing the issues for trial?	Yes	61% ( 71)			
	No	39% ( 46)			
	n/a	(365)			
23. Do you support referral to alternative dispute resolution services for your clients?	Yes	75% (287)			
	No	25% ( 98)			
	n/a	( 97)			
24. Should referral to ADR services be:	Mandatory	21% ( 91)			
	Voluntary	79% (348)			
	n/a	( 43)			
25. In divorce cases in the jurisdiction noted in Part A, how long must parties wait for a pendente lite hearing from the date of the request for hearing:					
A. Lasting 30 minutes or less?					
Family Court:	less than 7 days	17% ( 52)	Circuit Court:	less than 7 days	15% ( 52)
	7-21 days	66% (198)		7-21 days	64% (229)
	greater than 21 days	17% ( 50)		greater than 21 days	21% ( 74)
	not reported	(102)		not reported	(127)

**B. Lasting more than 30 minutes?**

<b>Family Court:</b>	less than 7 days	6% ( 17)	<b>Circuit Court:</b>	less than 7 days	3% ( 8)
	7-21 days	54% (142)		7-21 days	35% (112)
	greater than 21 days	40% (107)		greater than 21 days	62% (198)
	not reported	(216)		not reported	(164)

26. In uncontested divorce cases, how long must parties wait for conclusion of the case from the date of service on the respondent to the entry of the final decree on the merits?

<b>Family Court:</b>	1-2 months	70% (244)	<b>Circuit Court:</b>	1-2 months	59% (240)
	3-4 months	28% ( 96)		3-4 months	34% (138)
	greater than 4 months	2% ( 6)		greater than 4 months	7% ( 28)
	not reported	(136)		not reported	( 76)

27. In contested divorce cases, how long must parties wait for a trial or a hearing on the merits from the time of the request for the hearing when the estimated time of trial/hearing is:

**A. Three hours or less:**

<b>Family Court:</b>	less than 1 month	19% ( 44)	<b>Circuit Court:</b>	less than 1 month	8% ( 25)
	1-3 months	60% (141)		1-3 months	54% (173)
	3-6 months	16% ( 38)		3-6 months	26% ( 86)
	greater than 6 months	5% ( 11)		greater than 6 months	12% ( 38)
	not reported	(248)		not reported	(160)

**B. Greater than 3 hours:**

<b>Family Court:</b>	less than 1 month	9% ( 20)	<b>Circuit Court:</b>	less than 1 month	3% ( 8)
	1-3 months	57% (127)		1-3 months	41% (121)
	3-6 months	26% ( 59)		3-6 months	29% ( 90)
	greater than 6 months	8% ( 17)		greater than 6 months	27% ( 86)
	not reported	(259)		not reported	(170)

28. In uncontested custody or visitation cases, including 20-79(c) referrals, how long must parties wait for a custody or visitation determination?

<b>Juvenile Court:</b>	less than 1 month	54% (156)
	1-2 months	40% (114)
	3 or more months	6% ( 16)
	not reported	(196)

<b>Family Court:</b>	less than 1 month	56% (159)
	1-2 months	39% (113)
	3 or more months	5% ( 14)
	not reported	(196)

<b>Circuit Court:</b>	less than 1 month	47% (145)
	1-2 months	41% (125)
	3 or more months	12% ( 38)
	not reported	(174)

29. In contested custody or visitation cases, including 20-79(c) referrals, how long must parties wait for a custody or visitation determination?

Juvenile Court:	less than 1 month	18% ( 52)
	1-2 months	54% (151)
	3 or more months	28% ( 78)
	not reported	(201)

Family Court:	less than 1 month	16% ( 43)
	1-2 months	56% (157)
	3 or more months	28% ( 79)
	not reported	(203)

Circuit Court:	less than 1 month	11% ( 35)
	1-2 months	41% (131)
	3 or more months	48% (154)
	not reported	(162)

30. In cases in which support is at issue, including 20-79(c) referrals, how long must parties wait for a support determination?

Juvenile Court:	less than 1 month	38% (112)
	1-2 months	54% (163)
	3 or more months	8% ( 24)
	not reported	(183)

Family Court:	less than 1 month	34% ( 99)
	1-2 months	59% (174)
	3 or more months	7% ( 20)
	not reported	(189)

Circuit Court:	less than 1 month	28% ( 96)
	1-2 months	51% (174)
	3 or more months	21% ( 73)
	not reported	(139)

31. Do you believe the Family Court system is an improvement over the present system used in your jurisdiction for processing divorces?	worse	15% ( 65)
	no change	40% (171)
	better	45% (188)
	not reported	( 58)

32. Do you consider the de novo appeal system in juvenile and domestic relations district courts to be a benefit or liability in custody, visitation, support, and termination of parental rights cases?	liability	36% (156)
	no effect	13% ( 59)
	benefit	51% (221)
	not reported	( 46)

33. What percentage of de novo appeals in which you have appeared resulted in a substantial change in the outcome of:

A. Child custody and visitation cases 23.1%

B. Support cases 25.4%

34. Do you believe that because of the de novo appeal process, the disputing parties view the decision made in Juvenile and Domestic Relations District Court with less respect than decisions made in Circuit Court?	less respect no effect more respect not reported	46% (197) 53% (223) 1% ( 3) ( 59)
35. Do you consider appeal on the record from the Family Court to the Court of Appeals in custody, visitation, support and termination of parental rights cases an improvement over the de novo appeal process in Juvenile and Domestic Relations District Court?	worse no change better not reported	43% (180) 16% ( 66) 41% (172) ( 64)
36. Would you have perfected <u>more</u> appeals in custody, visitation, support or termination of parental rights cases which you have handled in the Family Court if the system for appeal had been trial de novo to the Circuit Court instead of on the record to the Court of Appeals?	yes no not reported	62% (216) 38% (134) (132)
37. If No. 36 above is answered "yes," indicate whether each of the following influenced your decision not to appeal:		
a. The client was worried about emotional damage to the children.	yes no not reported	46% ( 64) 54% ( 74) (344)
b. The client could not afford the costs.	yes no not reported	96% (203) 4% ( 8) (271)
c. The client was worried about emotional damage to herself/himself.	yes no not reported	25% ( 44) 75% (132) (306)
d. The appeal process takes too much time.	yes no not reported	77% (152) 23% ( 46) (284)
e. There were no appealable issues.	yes no not reported	53% ( 92) 47% ( 83) (307)
f. Other.	yes no not reported	64% ( 9) 36% ( 5) (468)
38. Do you believe that parties accord greater respect to the Family Court than they do to the traditional Juvenile and Domestic Relations District Court?	less respect no effect more respect not reported	1% ( 6) 72% (312) 27% (114) ( 49)
39. Do you believe that attorneys accord greater respect to the Family Court than they do to the traditional Juvenile and Domestic Relations District Court?	less respect no effect more respect not reported	2% ( 10) 67% (285) 31% (125) ( 49)



40. What was your opinion of a Family Court before your participation in this pilot project?

opposed	11% ( 46)
no opinion	21% ( 94)
in favor	57% (248)

41. What is your opinion of a Family Court after practicing before it?

opposed	22% ( 94)
no opinion	21% ( 94)
in favor	57% (248)

**Lawyer Data - Within Subjects**

1. Jurisdiction of practice:	Albemarle	4% (15)	Total n=383
	Arlington	1% ( 4)	
	Fairfax County	18% (70)	
	Loudoun	13% (49)	
	Mecklenburg	3% (11)	
	Pulaski	2% ( 9)	
	Roanoke County	12% (45)	
	Smyth	3% (14)	
	Alexandria	16% (62)	
	Chesapeake	6% (23)	
	Franklin	1% ( 1)	
	Lynchburg	13% (50)	
	Roanoke City	7% (29)	
	not reported	1% ( 1)	

(2. Date)

3. Sex:	male	78% (293)
	female	22% ( 84)
		(6)

4. Race:	Afro-American	1% (4)
	Asian	1% (2)
	Hispanic	1% (3)
	Native American	2% (11)
	White	94% (349)
	Other	1% (2)
	not reported	(12)

5. Age: mean=43.4

6. Number of cases in Family Court in which you have appeared: mean=27.7

7. Number of years in private practice: mean=13.7

8. Estimated number of divorce cases you handled in 1990: mean=36.4

9. Percentage of your practice which is devoted to family law: mean=34.7%

**SATISFACTION WITH COURT EXPERIENCE: Within subjects comparison**

		<u>Family Court</u>	<u>Circuit Court</u>	
10. Operation of the clerk's office	n=380	mean= 3.92	4.07	t=-2.49, p<.013
11. Judge's application of the law in my cases	n=370	mean= 4.03	4.09	t=-1.27, p<.205
12. Demeanor of the judge	n=375	mean= 4.26	4.17	t= 2.04, p<.042
13. Overall quality of justice	n=375	mean= 4.10	4.10	t= .07, p<.948

	<u>Family Court</u>	<u>Circuit Court</u>	
14. Availability of early hearing dates for pendente lite hearings	n=313 mean= 3.79	3.61	t= 2.64, p<.009
15. Allocation of sufficient hearing time for pendente lite hearings	n=302 mean= 3.91	3.54	t= 5.65, p<.000
16. Conclusion of uncontested divorce cases without undue delay	n=335 mean= 4.20	4.16	t= .66, p<.511
17. Conclusion of contested divorce cases without delay	n=241 mean= 3.71	3.44	t= 3.80, p<.000
18. Total litigation costs, including legal fees, to my client in the divorce proceedings	n=327 mean= 3.88	3.46	t= 6.84, p<.000
19. Have you objected to referral of any of your divorce, annulment, or affirmation of marriage cases to the Family Court?	Yes 26% ( 89) No 74% (256) n/a ( 38)		
20. If yes, what percentage of your cases have you objected to referral?	0-20% 48% ( 44) 20-50% 22% ( 20) 50-100% 30% ( 28) missing (291)		
21. Was any alternative dispute resolution (ADR) service, such as mediation or conciliation, used in any of your cases in:			
A. Family Court?	Yes 22% ( 69) No 78% (241) n/a ( 73)		
B. Circuit Court?	Yes 26% ( 79) No 74% (228) n/a ( 76)		
22. If 21.A or 21.B above is answered "yes," were issues resolved through ADR service which resulted in settling the case or in narrowing the issues for trial?	Yes 60% ( 61) No 40% ( 41) n/a (281)		
23. Do you support referral to alternative dispute resolution services for your clients?	Yes 74% (238) No 26% ( 85) n/a ( 60)		
24. Should referral to ADR services be:	Mandatory 21% ( 76) Voluntary 79% (285) n/a ( 22)		

25. In divorce cases in the jurisdiction noted in Part A, how long must parties wait for a pendente lite hearing from the date of the request for hearing:

A. Lasting 30 minutes or less?

	<u>Family Court</u>	<u>Circuit Court</u>	
n=266	mean= 1.99	2.08	t=-2.65, p<.009

B. Lasting more than 30 minutes?

	<u>Family Court</u>	<u>Circuit Court</u>	
n=229	mean= 2.35	2.61	t=-6.86, p<.000

26. In uncontested divorce cases, how long must parties wait for conclusion of the case from the date of service on the respondent to the entry of the final decree on the merits?

	<u>Family Court</u>	<u>Circuit Court</u>	
n=308	mean= 1.31	1.49	t=-6.05, p<.000

27. In contested divorce cases, how long must parties wait for a trial or a hearing on the merits from the time of the request for the hearing when the estimated time of trial/hearing is:

A. Three hours or less:

	<u>Family Court</u>	<u>Circuit Court</u>	
n=216	mean= 2.09	2.44	t=-6.67, p<.000

B. Greater than 3 hours:

	<u>Family Court</u>	<u>Circuit Court</u>	
n=202	mean= 2.36	2.84	t=-8.08, p<.000

28. In uncontested custody or visitation cases, including 20-79(c) referrals, how long must parties wait for a custody or visitation determination?

	<u>Juvenile Court</u>	<u>Family Court</u>	
n=225	mean= 1.51	1.52	t=-.38, p<.706

	<u>Juvenile Court</u>	<u>Circuit Court</u>	
n=225	mean= 1.51	1.64	t=-3.10, p<.002

	<u>Family Court</u>	<u>Circuit Court</u>	
n=241	mean= 1.48	1.61	t=-3.68, p<.000

29. In contested custody or visitation cases, including 20-79(c) referrals, how long must parties wait for a custody or visitation determination?

	<u>Juvenile Court</u>	<u>Family Court</u>	
n=216	mean= 2.14	2.15	t=-.17, p<.862
	<u>Juvenile Court</u>	<u>Circuit Court</u>	
n=230	mean= 2.14	2.40	t=-6.10, p<.000
	<u>Family Court</u>	<u>Circuit Court</u>	
n=243	mean= 2.12	2.38	t=-7.00, p<.000

30. In cases in which support is at issue, including 20-79(c) referrals, how long must parties wait for a support determination?

	<u>Juvenile Court</u>	<u>Family Court</u>	
n=232	mean= 1.75	1.75	t=-.15, p<.879
	<u>Juvenile Court</u>	<u>Circuit Court</u>	
n=244	mean= 1.75	1.94	t=-4.16, p<.000
	<u>Family Court</u>	<u>Circuit Court</u>	
n=257	mean= 1.73	1.95	t=-6.21, p<.000

31. Do you believe the Family Court system is an improvement over the present system used in your jurisdiction for processing divorces?
- |              |           |
|--------------|-----------|
| worse        | 16% ( 56) |
| no change    | 41% (149) |
| better       | 43% (156) |
| not reported | ( 22)     |
32. Do you consider the de novo appeal system in juvenile and domestic relations district courts to be a benefit or liability in custody, visitation, support, and termination of parental rights cases?
- |              |           |
|--------------|-----------|
| liability    | 37% (134) |
| no effect    | 13% ( 47) |
| benefit      | 50% (178) |
| not reported | ( 24)     |
33. What percentage of de novo appeals in which you have appeared resulted in a substantial change in the outcome of:
- A. Child custody and visitation cases      23.1%
- B. Support cases                                      26.5%
34. Do you believe that because of the de novo appeal process, the disputing parties view the decision made in Juvenile and Domestic Relations District Court with less respect than decisions made in Circuit Court?
- |              |           |
|--------------|-----------|
| less respect | 48% (170) |
| no effect    | 51% (178) |
| more respect | 1% ( 2)   |
| not reported | ( 33)     |

35. Do you consider appeal on the record from the Family Court to the Court of Appeals in custody, visitation, support and termination of parental rights cases an improvement over the de novo appeal process in Juvenile and Domestic Relations District Court?	worse no change better not reported	44% (154) 13% ( 46) 43% (147) ( 36)
36. Would you have perfected <u>more</u> appeals in custody, visitation, support or termination of parental rights cases which you have handled in the Family Court if the system for appeal had been trial de novo to the Circuit Court instead of on the record to the Court of Appeals?	yes no not reported	65% (197) 35% (104) ( 82)
37. If No. 36 above is answered "yes," indicate whether each of the following influenced your decision not to appeal:		
a. The client was worried about emotional damage to the children.	yes no not reported	48% ( 59) 52% ( 65) (259)
b. The client could not afford the costs.	yes no not reported	97% (184) 3% ( 6) (193)
c. The client was worried about emotional damage to herself/himself.	yes no not reported	25% ( 40) 75% (118) (225)
d. The appeal process takes too much time.	yes no not reported	79% (140) 21% ( 37) (206)
e. There were no appealable issues.	yes no not reported	52% ( 83) 48% ( 76) (224)
f. Other.	yes no not reported	69% ( 9) 31% ( 4) (370)
38. Do you believe that parties accord greater respect to the Family Court than they do to the traditional Juvenile and Domestic Relations District Court?	less respect no effect more respect not reported	1% ( 4) 72% (265) 27% (100) ( 14)
39. Do you believe that attorneys accord greater respect to the Family Court than they do to the traditional Juvenile and Domestic Relations District Court?	less respect no effect more respect not reported	2% ( 7) 66% (243) 32% (116) ( 17)

40. What was your opinion of a Family Court before your participation in this pilot project?

opposed	11% ( 39)
no opinion	51% (188)
in favor	38% (140)

41. What is your opinion of a Family Court after practicing before it?

opposed	22% ( 80)
no opinion	20% ( 73)
in favor	58% (214)

### Lawyer Data - Between Subjects

1. Jurisdiction of practice:	Albemarle	3% ( 2)		Total n=50
	Arlington	5% ( 4)		
	Fairfax County	3% ( 2)		
	Loudoun	15% (12)		
	Mecklenburg	4% ( 3)		
	Prince William	1% ( 1)		
	Pulaski	10% ( 8)		
	Roanoke County	8% ( 6)		
	Smyth	6% ( 5)		
	Alexandria	26% (21)		
	Chesapeake	2% ( 2)		
	Lynchburg	16% (13)		
	not reported	1% ( 1)		

(2. Date)

3. Sex:	male	80% (64)
	female	20% (16)

4. Race:	Afro-American	1% (1)
	Asian	3% (2)
	Hispanic	1% (1)
	Native American	1% (1)
	White	94% (75)

5. Age: mean=46.0

6. Number of cases in Family Court in which you have appeared: mean=21.4

7. Number of years in private practice: mean=15.4

8. Estimated number of divorce cases you handled in 1990: mean=22.9

9. Percentage of your practice which is devoted to family law: mean=28.4%

#### SATISFACTION WITH COURT EXPERIENCE: Between subjects comparison

	<u>Family Court</u>		<u>Circuit Court</u>		
10. Operation of the clerk's office	n=31	mean= 4.26	n=48	4.50	t=-1.33, p<.191
11. Judge's application of the law in my cases	n=32	mean= 4.16	n=47	4.19	t=-.15, p<.881
12. Demeanor of the judge	n=31	mean= 4.26	n=47	4.02	t= .88, p<.383
13. Overall quality of justice	n=31	mean= 4.26	n=46	4.11	t= .68, p<.497
14. Availability of early hearing dates for pendent lite hearings	n=16	mean= 3.63	n=42	3.74	t= -.39, p<.700



	<u>Family Court</u>		<u>Circuit Court</u>		
15. Allocation of sufficient hearing time for pendente lite hearings	n=17	mean= 3.71	n=41	3.81	t= -.30, p<.766
16. Conclusion of uncontested divorce cases without undue delay	n=24	mean= 4.46	n=43	4.37	t= .41, p<.681
17. Conclusion of contested divorce cases without delay	n=14	mean= 3.76	n=36	3.83	t= -.14, p<.890
18. Total litigation costs, including legal fees, to my client in the divorce proceedings	n=24	mean= 4.00	n=41	3.90	t= .37, p<.716
19. Have you objected to referral of any of your divorce, annulment, or affirmation of marriage cases to the Family Court?	Yes	19% ( 8)			
	No	81% (35)			
	n/a	(37)			
20. If yes, what percentage of your cases have you objected to referral?	0-20%	25% ( 2)			
	20-50%	0% ( 0)			
	50-100%	75% ( 6)			
	missing	(72)			
21. Was any alternative dispute resolution (ADR) service, such as mediation or conciliation, used in any of your cases in:					
A. Family Court?	Yes	23% ( 8)			
	No	77% (27)			
	n/a	(45)			
B. Circuit Court?	Yes	21% ( 9)			
	No	79% (34)			
	n/a	(37)			
22. If 21.A or 21.B above is answered "yes," were issues resolved through ADR service which resulted in settling the case or in narrowing the issues for trial?	Yes	77% (10)			
	No	23% ( 3)			
	n/a	(67)			
23. Do you support referral to alternative dispute resolution services for your clients?	Yes	78% (42)			
	No	22% (12)			
	n/a	(26)			
24. Should referral to ADR services be:	Mandatory	22% (15)			
	Voluntary	78% (52)			
	n/a	(13)			

25. In divorce cases in the jurisdiction noted in Part A, how long must parties wait for a pendente lite hearing from the date of the request for hearing:

A. Lasting 30 minutes or less?

	<u>Family Court</u>	<u>Circuit Court</u>	
n=12	mean= 2.25	n=28 1.96	t= 1.76, p<.091

B. Lasting more than 30 minutes?

	<u>Family Court</u>	<u>Circuit Court</u>	
n=11	mean= 2.36	n=27 2.37	t=-.04, p<.972

26. In uncontested divorce cases, how long must parties wait for conclusion of the case from the date of service on the respondent to the entry of the final decree on the merits?

	<u>Family Court</u>	<u>Circuit Court</u>	
n=19	mean= 1.42	n=36 1.39	t= 0.20, p<.840

27. In contested divorce cases, how long must parties wait for a trial or a hearing on the merits from the time of the request for the hearing when the estimated time of trial/hearing is:

A. Three hours or less:

	<u>Family Court</u>	<u>Circuit Court</u>	
n=7	mean= 2.14	n=30 2.10	t= .15, p<.888

B. Greater than 3 hours:

	<u>Family Court</u>	<u>Circuit Court</u>	
n=8	mean= 2.13	n=29 2.45	t=-1.01, p<.339

28. In uncontested custody or visitation cases, including 20-79(c) referrals, how long must parties wait for a custody or visitation determination?

Juvenile Court Family Court

Juvenile Court Circuit Court

Family Court Circuit Court

No data was reported for this subgroup.

29. In contested custody or visitation cases, including 20-79(c) referrals, how long must parties wait for a custody or visitation determination?

Juvenile Court Family Court

Juvenile Court Circuit Court

Family Court Circuit Court

No data was reported for this subgroup.

30. In cases in which support is at issue, including 20-79(c) referrals, how long must parties wait for a support determination?

Juvenile Court   Family Court

Juvenile Court   Circuit Court

Family Court   Circuit Court

No data was reported for this subgroup.

31. Do you believe the Family Court system is an improvement over the present system used in your jurisdiction for processing divorces?

worse	16% ( 9)
no change	37% (21)
better	47% (27)
not reported	(23)

32. Do you consider the de novo appeal system in juvenile and domestic relations district courts to be a benefit or liability in custody, visitation, support, and termination of parental rights cases?

liability	30% (21)
no effect	17% (12)
benefit	53% (38)
not reported	( 9)

33. What percentage of de novo appeals in which you have appeared resulted in a substantial change in the outcome of:

A. Child custody and visitation cases      22.7%

B. Support cases                                      17.2%

34. Do you believe that because of the de novo appeal process, the disputing parties view the decision made in Juvenile and Domestic Relations District Court with less respect than decisions made in Circuit Court?

less respect	39% (26)
no effect	60% (40)
more respect	1% ( 1)
not reported	(13)

35. Do you consider appeal on the record from the Family Court to the Court of Appeals in custody, visitation, support and termination of parental rights cases an improvement over the de novo appeal process in Juvenile and Domestic Relations District Court?

worse	36% (24)
no change	27% (18)
better	37% (24)
not reported	(14)

36. Would you have perfected more appeals in custody, visitation, support or termination of parental rights cases which you have handled in the Family Court if the system for appeal had been trial de novo to the Circuit Court instead of on the record to the Court of Appeals?

yes	37% (17)
no	63% (29)
not reported	(34)

37. If No. 36 above is answered "yes," indicate whether each of the following influenced your decision not to appeal:

a. The client was worried about emotional damage to the children.

yes	36% ( 5)
no	64% ( 9)
not reported	(66)

b. The client could not afford the costs.

yes	89% (16)
no	11% ( 2)
not reported	(62)

c. The client was worried about emotional damage to herself/himself.	yes	18% (3)
	no	82% (14)
	not reported	(63)
d. The appeal process takes too much time.	yes	53% (10)
	no	47% (9)
	not reported	(61)
e. There were no appreciable issues.	yes	56% (9)
	no	44% (7)
	not reported	(64)
f. Other.	yes	0% (0)
	no	100% (1)
	not reported	(79)
38. Do you believe that parties accord greater respect to the Family Court than they do to the traditional Juvenile and Domestic Relations District Court:	less respect	3% (2)
	no effect	73% (43)
	more respect	24% (14)
	not reported	(21)
39. Do you believe that attorneys accord greater respect to the Family Court than they do to the traditional Juvenile and Domestic Relations District Court:	less respect	5% (3)
	no effect	69% (42)
	more respect	26% (16)
	not reported	(19)
40. What was your opinion of a Family Court before your participation in this pilot project?	opposed	9% (6)
	no opinion	57% (36)
	in favor	34% (22)
41. What is your opinion of a Family Court after practicing before it?	opposed	20% (13)
	no opinion	31% (20)
	in favor	49% (31)

**Appendix D**

**SUMMARY OF SURVEY OF JUDGES**

**Family Court Pilot Project**

**Prepared by:**

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## SURVEY OF JUDGES

Robert E. Emery, Ph.D.  
University of Virginia

### The Sample Surveyed

A total of 60 judges participated in the Family Court Pilot Project. This included 7 Circuit Court judges, 11 Juvenile and Domestic Relations Court judges, and 42 substitute and retired judges. The substitute judges were judges who had previously substituted in the Juvenile Courts and who participated in project training with the full-time judges. Likewise, the retired judges were former full-time judges who received such training. All of these judges were surveyed, and a total of 48 surveys were returned. Returns represented 80% of the entire sample surveyed, including 100% (7 of 7) of full-time Circuit Court judges, 100% (11 of 11) of full-time Juvenile and Domestic Relations Court judges, and 71% (30 of 42) of substitute judges. Initial analysis of the surveys indicated that no differences were found between the responses of full-time and substitute judges, so their responses were combined for the purposes of this report. Some differences were found in the responses of Circuit Court and Juvenile and Domestic Relations District Court judges, however, so results for these two groups of judges are reported separately, when appropriate. It should be noted that three judges who returned the anonymous surveys did not indicate the type of court in which they were sitting, making it necessary to omit their responses when comparing Circuit and Juvenile courts. The responses of these three judges are included in analyses based on the entire sample of judges.

The entire group of judges who responded to the survey can be characterized in the following manner. Forty-two percent of the judges were full-time, 35% were substitute judges, and 23% were retired. Thirty-one percent of the judges had been appointed to their present position for 10 years or longer, 21% had been appointed for 5 to 10 years, and 48% had been appointed for 5 years or less. The judges reported having an average of 14 years in private practice prior to taking the bench, and they indicated that an average of about 40% of their practice had been devoted to family law. All of the judges who responded to the survey were white, and 87% were male. A listing of the number of judges representing each jurisdiction in Virginia can be found in Attachment D.1 to this paper in response to question 6 on the survey.

### The Survey

The survey was developed by members of Subcommittee on Evaluation. Copies of the actual survey with data tabulated for various subgroups of judges can be found in Attachment D.1. The survey covered four areas of judicial evaluation: (1) the judges' general opinions on a Family Court and other court administration matters; (2) the judges' assessment of their participation in the project and its impact on their judicial effectiveness; (3) the judges' ratings of the time involved in processing cases in the Family court (or in

Circuit or Juvenile Court); and (4) the judges' evaluations of various other aspects of their experience with the Family Court.

**Results of the Judges' Survey**

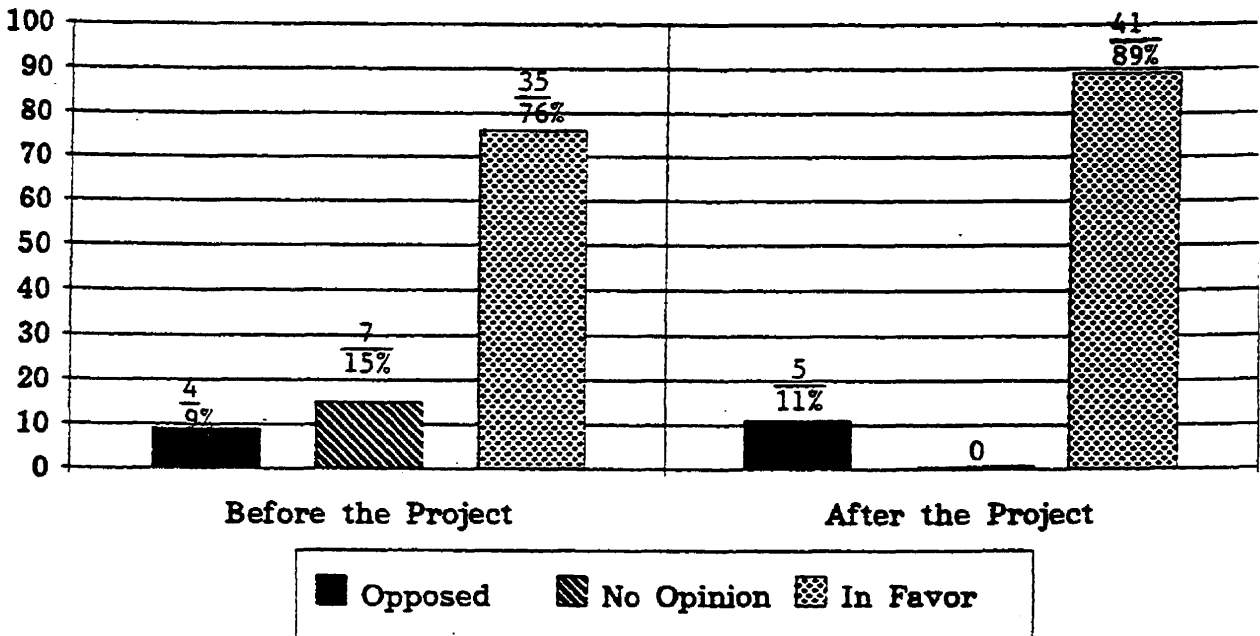
Findings from the judges' survey are reported here narratively in terms of the above four areas of evaluation. Summary data for the entire survey for various subgroups of judge can be found in Attachment D.1 to this paper.

**Judges' Opinions on a Family Court**

When the entire sample and general opinions are considered, the judges surveyed clearly support a Family Court. Eight-two percent responded that a Family Court would be an improvement over the present system, 9% responded that it would represent no change, and 9% responded that it would be worse. Seventy-four percent of judges said they favored a Family Court both before and after the experiment, and 7% were opposed both before and after the experiment. The biggest change in reported opinion was a shift in favor of a Family Court. Fifteen percent of judges reported that they were either opposed or had no opinion about a Family Court before the experiment, but they favored a Family Court after the experiment. Two judges (4% of the sample) who reported having either no opinion or being in favor of a Family Court before the experiment, said that they now opposed it.

The bar graph which follows illustrates opinions about the Family Court by the respondent judges in the three categories of opposed, no opinion, and in favor. The first set of columns the opinion indicated for the time before the judges sat in the Family Court or otherwise observed the Family Court's functioning in their judicial district/circuit. The second set of columns shows their opinion after the Family Court had been in effect for eighteen months.

**Preference of Judges for the Creation of a Family Court**



Overall, the data clearly indicate that participating judges prefer a Family Court, as 89% of the entire sample reported that they currently favor a Family Court. The number of Circuit Court judges is too small to draw any firm conclusions, but the data suggest differences between Circuit and Juvenile Court judges. Thirty-three of 35 (94%) Juvenile Court judges currently favor a Family Court. (Six reported having had no opinion before the pilot study, and 2 said they had been opposed.) Four of 7 (57%) of Circuit Court judges also favor a Family Court. Two of the 3 Circuit Court judges who currently oppose the Family Court also were opposed before the pilot, while the third reported having had no earlier opinion.

### Opinions on Respect for the Court

The judges' responses to other questions suggest some reasons for the general support of a Family Court. When the entire sample of judges is considered, 56% responded that disputing parties give a Family Court greater respect than they give the traditional Juvenile Court (44% reported the same respect, 0% reported less respect). Moreover, 70% of all judges surveyed said that attorneys accorded greater respect to the Family Court than to the traditional Juvenile Court (30% reported the same respect, 0% reported less respect). Differences between Circuit and Juvenile Court judges also seem important for this item. Only one Circuit Court judge (14%) reported that the parties accorded greater respect to the Family Court than to the Juvenile Court, compared with 22 (63%) of Juvenile judges. Smaller differences were reported for attorneys, who were said to have more respect for the Family Court by 3 Circuit Court (43%) and 25 (71%) Juvenile Court judges.

### Views on De Novo Appeal

One key change between the traditional Juvenile Court and the Family Court was the change from a de novo appeal to an appeal on the record. Fully 89% of all judges surveyed said that the traditional de novo appeal was a liability in family cases (4% said it was a benefit, and 7% said it had no effect). Eighty-five percent of all judges also rated an appeal on the record as being better than the de novo appeal as 11% said it was worse, and 4% reported no change. This pattern of opinion appeared consistent across Circuit and Juvenile Court judges, since 3 of 6 Circuit Court judges felt that an appeal on the record was better than a de novo appeal, and 5 of 7 Circuit Court judges rated an appeal de novo as a liability. Among Juvenile Court judges, 32 of 35 indicated an appeal on the record was better than a de novo appeal, and the same number rated the appeal de novo as a liability of the traditional Juvenile Court.

### Opinions on Alternative Dispute Resolution (ADR)

The final issue with respect to the judges' general opinions concerns alternative dispute resolution (ADR). Eighty-eight percent of judges reported that ADR was available to them. Every judge who had ADR available used it, and every judge who used ADR said that it either occasionally or frequently resulted in resolving one or more issues (frequently = 53%; occasionally = 47%; rarely = 0%). The use of ADR was reported to be voluntary rather than mandatory by 92% of the judges. Circuit Court judges were at least as positive about ADR as were Juvenile



Court judges, as all 3 who had ADR services available to them reported that ADR frequently resolved one or more litigable issues.

### **Effect of Family Court Experience on Judges' Performance**

Five questions asked the judges to rate the effect of their one and a half years of experience with the pilot on their performance as a judge. Among the 42 judges who responded to these survey items, 71% indicated that their self-evaluated performance improved somewhat, moderately, or very much in the last two years. Sixty-seven percent said that their experience caused them to have at least a somewhat greater interest in family law; the same percentage said it made them at least somewhat more aware of the needs of children and disputing parties; and 81% said it improved their knowledge of the law somewhat, moderately, or very much. Responses to these items were essentially the same for Circuit and Juvenile Court judges.

### **Time of Processing Cases**

Several questions asked the judges to rate the time involved in processing family cases in Family, Circuit, and Juvenile Courts. These ratings are difficult to evaluate, because the standard of comparison is not clear. Ideally, one would wish to compare the time involved in processing cases in the traditional Circuit Court with the time involved in processing cases in the Juvenile Courts serving as Family Courts, since this was the major change introduced in the experiment. However, when Juvenile Court judges rate the time it takes to process various cases in Circuit Court, their responses are educated guesses at best. The same is true when Circuit Court judges rate case processing time in the Juvenile Court. For this reason, only a few broad trends across items are reported here. The reader interested in more detail is referred to the item by item data Attachment D.1.

Fourteen Juvenile Court judges provided estimates of the time involved in processing case Circuit Court as well as in Juvenile and Family Courts. The pattern of their responses indicated cases were processed more rapidly in Juvenile Courts serving as Family Courts than in the traditional Circuit Court, but the caveat mentioned above must be kept in mind in interpreting this pattern. Less ambiguous conclusions can be drawn about the judges' comparisons between the Family Court and the court in which they normally sit. For these items, Circuit Court judges consistently reported that case processing time was the same in the Family Court as it was in the traditional Circuit Court. Similarly, Juvenile Court judges reported that case processing time was essentially the same in the Family Court as in the traditional Juvenile Court. This last finding is perhaps the most informative one. According to the reports of Juvenile Court judges, the introduction of divorce cases and of trying certain cases on the record in the Family Court did not slow the customary more rapid processing of cases in the Juvenile Court.

### **Experience with the Family Court Experiment**

While most of the questions on the judges' survey addressed the issue of a Family Court : its benefits or liabilities, a few questions concerned the operation of the pilot courts. Seventy-five

percent (33 of 44) of the judges reported hearing no complaints about the Family Court from lawyers or parties. Differences were found for Circuit and Juvenile Court judges on this item, however, as 82% (27 of 33) of the Juvenile Court judges reported hearing no complaints in comparison to only 29% (2 of 7) of the Circuit Court judges. The reader is again reminded to be cautious in interpreting this finding, because of the small number of Circuit Court judges.

An important finding concerning the impact of the experiment is the effect of the Family Court on workload. Of all of the judges who participated in the experiment, 92% (34 of 37) reported that the court clerk's workload increased, but a relatively small 29% (10 of 34) reported that this increased workload negatively affected the operation of the clerk's office. For the judges themselves, 50% (21 of 42) said that their workload increased because of the experiment, but 90% (19 of 21) said that the increased workload was acceptable. That is, only two judges reported that their increased workload was burdensome. The responses of Circuit and Juvenile Court judges were similar for these items.

### Summary

The overall pattern of findings for the judges' surveys supports a Family Court. The majority of judges surveyed: (1) favored the idea of a Family Court; (2) felt that parties and lawyers gave the Family Court more respect; (3) rated an appeal on the record as being superior to an appeal de novo; (4) supported alternative dispute resolution (ADR); (5) reported improved judicial performance during the time of the experiment; (6) indicated that the Family Court did not slow case processing time; and (7) noted that the experiment increased the court's workload to an acceptable degree.

The fact that the judges volunteered to participate in the experiment raises an important caution in interpreting these positive findings. As the data suggest, many of the judges favored the Family Court concept even before the experiment began. However, to the extent that the experiment affected their opinions, it seems to have made judges even more favorable to the concept.

**Attachment D.1**

**Judicial Survey Data for Various Subgroups of Judges**

## KEY TO SURVEY OF JUDGES

"Entire sample" refers to all judges who responded to the survey. Forty-eight judges responded to the survey, but the numbers vary for some items because not all judges answered all items.

"Juvenile court" refers to the 37 Juvenile and Domestic Relations District Court judges who responded to the survey. The numbers vary for some items because not all judges answered all items.

"Circuit court" refers to the 7 Circuit Court Judges who responded to the survey. The numbers vary for some items because not all judges answered all items.

Percentages are reported for most items. The actual number of responses on which the percentages are based are reported in parentheses.

"Mean" refers to the statistical average.

**SURVEY OF JUDGES**

Entire Sample

**Part A**

**Background Information**

1. Current judicial status:
  - [1] Fulltime 42% (20)
  - [2] Substitute 35% (17)
  - [3] Retired 23% (11)
2. Locality see next page
3. Age mean=52.7
4. Sex male: 87% (42) female: 13% (6)
5. Race: [1] Afro-American 0 [2] Hispanic 0 [3] White, non-Hispanic 98% (47) [4] Other 0 Not reported 2% (1)
6. Type of court in which you sit:
  - [1] Circuit Court 8% (4)
  - [2] Circuit Court sitting as Family Court 8% (4)
  - [3] Juvenile & Domestic Relations District Court sitting as Family Court 73% (35)
  - [4] Juvenile & Domestic Relations District Court sitting as non-designated Family Court 4% (2) Not reported: 7% (3)
7. Year appointed to your present judicial position 1960-69: 8% (4) 1970-75: 10% (5) 1976-79: 13% (6) 1980-85: 21% (10) 1986-91: 48% (23)
8. Have you had prior judicial experience? [1] Yes 48% (23) [2] No 52% (25)
9. If the answer to question 8 is "yes," state the court type \_\_\_\_\_ and the number of years. \_\_\_\_\_ years
10. Number of years of private practice before taking the bench mean=14.2
11. Percentage of your law practice that was devoted to family law mean=40.5 %

"Family law," for the purposes of this survey is defined as cases involving custody, visitation, child and spousal support, termination of parental rights, adoption, divorce, annulment, affirmation of marriage, children in need of services or supervision, delinquency, child abuse or neglect, spouse abuse, and criminal offenses between spouses.

Locality

Albemarle	14%	(6)
Chesterfield	2%	(1)
Fairfax County	14%	(6)
Loudoun	7%	(3)
Mecklenburg	2%	(1)
Roanoke County	2%	(1)
Smythe	5%	(2)
Alexandria	5%	(2)
Chesapeake	10%	(4)
Fairfax City	14%	(6)
Hampton	2%	(1)
Lynchburg	10%	(4)
Martinsville	2%	(1)
Norfolk	2%	(1)
Richmond	2%	(1)
Roanoke City	2%	(1)
FIPS 923	5%	(2)

**Part B**

Please answer the following questions based on your current position as a judge by circling one number from this list: 1 = not at all; 2 = a little; 3 = somewhat; 4 = moderately; 5 = very much. You should respond only to those questions which relate to the court in which you sit.

- |  |         |                        |          |                           |          |                     |
|--|---------|------------------------|----------|---------------------------|----------|---------------------|
| 12. To what extent has sitting as a judge in family matters in the last two years:   |         | Not at<br><u>All</u>   |          |                           |          | Ver.<br><u>Muc</u>  |
|  |         | 1                      | 2        | 3                         | 4        | 5                   |
| A. Improved your self-evaluated performance as a judge   |         | 17% (7)                | 12% (5)  | 24% (10)                  | 28% (12) |                     |
| B. Improved your job performance   |         | 17% (7)                | 15% (6)  | 24% (10)                  | 22% (9)  | 22%                 |
| C. Caused you to have a greater interest in family law matters   |         | 24% (10)               | 10% (4)  | 5% (2)                    | 21% (9)  | 40%                 |
| D. Made you more aware of the emotional needs of the parties and their children  |         | 24% (10)               | 10% (4)  | 26% (11)                  | 14% (6)  | 26%                 |
| E. Improved your knowledge of the law  |         | 9% (4)                 | 9% (4)   | 14% (6)                   | 28% (12) | 40% (16)            |
| 13. Do you believe the Family Court system is an improvement over the present system used in your court for processing divorces?                   |         | [1] Worse<br>9% (4)    |          | [2] No change<br>9% (4)   |          | [3] Better<br>82%   |
| 14. What was your opinion of a Family Court before your participation in this pilot project?   |         | [1] Opposed<br>9% (4)  |          | [2] No opinion<br>15% (7) |          | [3] In favor<br>76% |
| 15. What is your opinion of the Family Court after sitting as a Family Court judge or observing its functioning in your judicial circuit/district? |         | [1] Opposed<br>11% (5) |          | [2] No opinion<br>0       |          | [3] In favor<br>89% |
| 16. In divorce cases in your court, how long must parties wait for a pendente lite hearing from the date of the request for the hearing:           |         |                        |          |                           |          |                     |
| A. Lasting 30 minutes or less  |         |                        |          |                           |          |                     |
| Family Court   | 20% (8) | 61% (25)               | 2% (1)   | 17% (7)                   |          |                     |
| Circuit Court  | 11% (3) | 56% (15)               | 18% (5)  | 15% (4)                   |          |                     |
| B. Lasting more than 30 minutes  |         |                        |          |                           |          |                     |
| Family Court   | 7% (3)  | 55% (22)               | 18% (7)  | 20% (8)                   |          |                     |
| Circuit Court  | 4% (1)  | 19% (5)                | 62% (16) | 15% (4)                   |          |                     |

**NOTE:** When determining the passage of time in answering questions 17 through 21, please consider only delays attributable to the court's scheduling of cases. Delays which are caused by outside factors, such as the unavailability of opposing counsel, should not be considered. The Family Court, Circuit Court, or Juvenile and Domestic Relations District Court which you are describing should be that court in the jurisdiction in which you sit as a judge. If you sit as a Circuit Court judge and a Family Court judge, please answer the questions applicable to both courts.

17. In uncontested divorce cases in your court, how long must parties wait for conclusion of the case from the date of service on the respondent to the entry of the final decree on the merits?

	70% (30)	12% (5)	0	18% (8)
Family Court	[1] 1-2 mo.	[2] 3-4 mo.	[3] Greater than 4 mo.	[4] Don't know
Circuit Court	[1] 1-2 mo.	[2] 3-4 mo.	[3] Greater than 4 mo.	[4] Don't know
	38% (9)	25% (6)	12% (3)	25% (6)

18. In contested divorce cases in your court, how long must parties wait for a trial or a hearing on the merits from the time of the request for the hearing when the estimated time of trial/hearing is:

A. Three hours or less

	23% (10)	44% (19)	12% (5)	0	21% (9)
Family Court	[1] Less than 1 mo.	[2] 1-3 mo.	[3] 3-6 mo.	[4] Greater than 6 mo.	[5] Don't know
Circuit Court	[1] Less than 1 mo.	[2] 1-3 mo.	[3] 3-6 mo.	[4] Greater than 6 mo.	[5] Don't know
	4% (1)	39% (11)	18% (5)	11% (3)	28% (8)

B. Greater than 3 hours

	17% (7)	43% (18)	16% (7)	0	24% (10)
Family Court	[1] Less than 1 mo.	[2] 1-3 mo.	[3] 3-6 mo.	[4] Greater than 6 mo.	[5] Don't know
Circuit Court	[1] Less than 1 mo.	[2] 1-3 mo.	[3] 3-6 mo.	[4] Greater than 6 mo.	[5] Don't know
	0	33% (9)	22% (6)	19% (5)	26% (7)

19. In uncontested custody or visitation cases in your court, including § 20-79(c) referrals, how long must parties wait for a custody or visitation determination?

	57% (21)	30% (11)	2% (1)	11% (4)
Juvenile Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
Family Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
Circuit Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
	33% (9)	26% (7)	11% (3)	30% (8)

20. In contested custody or visitation cases in your court, including § 20-79(c) referrals, how long must parties wait for a custody or visitation determination?

	17% (6)	53% (19)	14% (5)	16% (6)
Juvenile Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
Family Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
Circuit Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
	7% (2)	22% (6)	39% (11)	32% (9)



21. In cases in which support is at issue in your court, including § 20-79(c) referrals, how long must parties wait for a support determination?

	46% (16)	37% (13)	3% (1)	14% (5)	
Juvenile Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know	
Family Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know	12%
Circuit Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know	(5)
	52% (22)	29% (12)	7% (3)		
	23% (7)	17% (5)	30% (9)	30% (9)	

22. Do you believe that parties accord greater respect to the Family Court than they do to the traditional Juvenile and Domestic Relations District Court?

[1] Less respect	[2] No effect	[3] More respect
0	44% (20)	56% (26)

23. Do you believe that attorneys accord greater respect to the Family Court than they do to the traditional Juvenile and Domestic Relations District Court?

[1] Less respect	[2] No effect	[3] More respect
0	30% (14)	70% (32)

24. Has the Family Court increased the workload of your court clerk?

Family Court	[1] Yes	[2] No
Circuit Court	[1] Yes	[2] No
	25% (4)	75% (12)

25. If the answer to 24 is "yes," has this negatively affected the operation of the clerk's office?

Family Court	[1] Yes	[2] No
Circuit Court	[1] Yes	[2] No
	30% (3)	70% (7)

26. Have parties or attorneys complained about the operation of the Family Court? If "yes," please explain.

[1] Yes	[2] No
25% (11)	75% (33)

27. How has the Family Court affected your personal judicial workload?

[1] Reduced it	[2] No change	[3] Acceptable increase	[4] Burdensome in
0	50% (21)	45% (19)	5% (2)

28. Do you consider the de novo appeal system in juvenile court to be a benefit or a liability in custody, visitation, support and termination of parental rights cases?

[1] Liability	[2] No effect	[3] B
89% (41)	7% (3)	4

- |   |                         |                              |                            |
|---|-------------------------|------------------------------|----------------------------|
| 29. Do you consider appeal on the record from the Family Court to the Court of Appeals in custody, visitation, support and termination of parental rights cases an improvement over the de novo appeal process in Juvenile and Domestic Relations District Court? | [1] Worse<br>8% (3)     | [2] No change<br>3% (1)      | [3] Better<br>89% (32)     |
| 30. Are alternative dispute resolution (ADR) services available for use in your court?  | [1] Yes<br>100% (33)    | [2] No<br>0                  |                            |
| 31. If the answer to 30 is "yes," do you make use of such services?   | [1] Yes<br>100% (33)    | [2] No<br>0                  |                            |
| 32. If used, are such ADR services:   | [1] Mandatory<br>3% (1) | [2] Voluntary<br>97% (32)    |                            |
| 33. Does the use of ADR services result in resolving one or more litigable issues?  | [1] Rarely<br>0         | [2] Occasionally<br>52% (16) | [3] Frequently<br>48% (15) |
| 34. Please make any other comments you wish about the Family Court system which would be useful in evaluating its effectiveness.  |                         |                              |                            |

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Thank you.

**SURVEY OF JUDGES**

Circuit Court and Circuit Court sitting as Family Court

**Part A**

**Background Information**

1. Current judicial status:
 

[1] Fulltime	86%	(6)
[2] Substitute	0	
[3] Retired	14%	(1)
  
2. Locality \_\_\_\_\_
 

Mecklenburg	14%	(1)
Roanoke County	14%	(1)
Smythe	29%	(2)
Roanoke City	14%	(1)
FIPS 923	29%	(2)
  
3. Age mean=52.0
  
4. Sex male=100% (7)
  
5. Race:
 

[1] Afro-American	[2] Hispanic	[3] White, non-Hispanic	[4] Other
0	0	100%	0
		(7)	
  
6. Type of court in which you sit:
 

[1] Circuit Court	57%	(4)
[2] Circuit Court sitting as Family Court	43%	(3)
[3] Juvenile & Domestic Relations District Court sitting as Family Court	0	
[4] Juvenile & Domestic Relations District Court sitting as non-designated Family Court	0	
  
7. Year appointed to your present judicial position
 

<u>1970-75:</u>	14%	(1)	<u>1976-79:</u>	14%	(1)
			<u>1980-85:</u>	43%	(3)
			<u>1986-91:</u>	29%	(2)
  
8. Have you had prior judicial experience?
 

[1] Yes	[2] No
71%	29%
(5)	(2)
  
9. If the answer to question 8 is "yes," state the court type \_\_\_\_\_  
and the number of years. \_\_\_\_\_ years
  
10. Number of years of private practice before taking the bench mean=12.7
  
11. Percentage of your law practice that was devoted to family law mean= 20.9 %

"Family law," for the purposes of this survey is defined as cases involving custody, visitation, child and spousal support, termination of parental rights, adoption, divorce, annulment, affirmation of marriage, children in need of services or supervision, delinquency, child abuse or neglect, spouse abuse, and criminal offenses between spouses.

Locality:

Albemarle	18%	(6)
Chesterfield	3%	(1)
Fairfax County	18%	(6)
Loudoun	10%	(3)
Alexandria	6%	(2)
Chesapeake	6%	(2)
Fairfax City	18%	(6)
Hampton	3%	(1)
Lynchburg	12%	(4)
Martinsville	3%	(1)
Richmond	3%	(1)

**Part B**

Please answer the following questions based on your current position as a judge by circling one number from this list: 1 = not at all; 2 = a little; 3 = somewhat; 4 = moderately; 5 = very much. You should respond only to those questions which relate to the court in which you sit.

12. To what extent has sitting as a judge in family matters in the last two years:		<u>Not at All</u>					<u>Very Much</u>									
A. Improved your self-evaluated performance as a judge		1	2	3	4	5	15%	(5)	12%	(4)	18%	(6)	31%	(10)	24%	(8)
B. Improved your job performance		1	2	3	4	5	16%	(5)	12%	(4)	19%	(6)	25%	(8)	28%	(2)
C. Caused you to have a greater interest in family law matters		1	2	3	4	5	22%	(7)	6%	(2)	6%	(2)	22%	(7)	44%	(14)
D. Made you more aware of the emotional needs of the parties and their children		1	2	3	4	5	25%	(8)	9%	(3)	25%	(8)	13%	(4)	28%	(9)
E. Improved your knowledge of the law		1	2	3	4	5	9%	(3)	9%	(3)	15%	(5)	24%	(8)	43%	(14)
13. Do you believe the Family Court system is an improvement over the present system used in your court for processing divorces?		[1] Worse			[2] No change			[3] Bet								
		6% (2)			0			94%								
14. What was your opinion of a Family Court <u>before</u> your participation in this pilot project?		[1] Opposed			[2] No opinion			[3] In								
		6% (2)			17% (6)			7%								
15. What is your opinion of the Family Court after sitting as a Family Court judge or observing its functioning in your judicial circuit/district?		[1] Opposed			[2] No opinion			[3] In								
		6% (2)			0			9%								
16. In divorce cases in your court, how long must parties wait for a pendente lite hearing from the date of the request for the hearing:																
A. Lasting 30 minutes or less																
Family Court		23%	(7)	51%	(16)	3%	(1)	23%	(7)							
Circuit Court		12%	(2)	53%	(9)	18%	(3)	17%	(3)							
B. Lasting more than 30 minutes																
Family Court		6%	(2)	52%	(16)	16%	(5)	26%	(8)							
Circuit Court		0		6%	(1)	71%	(12)	23%	(4)							

NOTE: When determining the passage of time in answering questions 17 through 21, please consider only delays attributable to the court's scheduling of cases. Delays which are caused by outside factors, such as the unavailability of opposing counsel, should not be considered. The Family Court, Circuit Court, or Juvenile and Domestic Relations District Court which you are describing should be that court in the jurisdiction in which you sit as a judge. If you sit as a Circuit Court judge and a Family Court judge, please answer the questions applicable to both courts.

17. In uncontested divorce cases in your court, how long must parties wait for conclusion of the case from the date of service on the respondent to the entry of the final decree on the merits?

	64% (21)	12% (4)	0	24% (8)
Family Court	[1] 1-2 mo.	[2] 3-4 mo.	[3] Greater than 4 mo.	[4] Don't know
Circuit Court	[1] 1-2 mo.	[2] 3-4 mo.	[3] Greater than 4 mo.	[4] Don't know
	21% (3)	29% (4)	14% (2)	36% (5)

18. In contested divorce cases in your court, how long must parties wait for a trial or a hearing on the merits from the time of the request for the hearing when the estimated time of trial/hearing is:

A. Three hours or less

	24% (8)	40% (13)	9% (3)	0	27% (9)
Family Court	[1] Less than 1 mo.	[2] 1-3 mo.	[3] 3-6 mo.	[4] Greater than 6 mo.	[5] Don't know
Circuit Court	[1] Less than 1 mo.	[2] 1-3 mo.	[3] 3-6 mo.	[4] Greater than 6 mo.	[5] Don't know
	5% (1)	28% (5)	11% (2)	17% (3)	39% (7)

B. Greater than 3 hours

	18% (6)	37% (12)	15% (5)	0	30% (10)
Family Court	[1] Less than 1 mo.	[2] 1-3 mo.	[3] 3-6 mo.	[4] Greater than 6 mo.	[5] Don't know
Circuit Court	[1] Less than 1 mo.	[2] 1-3 mo.	[3] 3-6 mo.	[4] Greater than 6 mo.	[5] Don't know
	0	16% (3)	17% (3)	28% (5)	39% (7)

19. In uncontested custody or visitation cases in your court, including § 20-79(c) referrals, how long must parties wait for a custody or visitation determination?

	59% (19)	25% (8)	3% (1)	13% (4)
Juvenile Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
Family Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
Circuit Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
	22% (4)	28% (5)	11% (2)	39% (7)

20. In contested custody or visitation cases in your court, including § 20-79(c) referrals, how long must parties wait for a custody or visitation determination?

	16% (5)	53% (17)	12% (4)	19% (6)
Juvenile Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
Family Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
Circuit Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
	0	11% (2)	44% (8)	45% (8)

21. In cases in which support is at issue in your court, including § 20-79(c) referrals, how long must parties wait for a support determination?

	49% (15)	32% (10)	3% (1)	16% (5)	
Juvenile Court	50% [1] Less than 1 mo.	31% [2] 1-2 mo.	3% [3] 3 or more mo.	[4] Don't know	16%
Family Court	(16) [1] Less than 1 mo.	(10) [2] 1-2 mo.	(1) [3] 3 or more mo.	[4] Don't know	(5)
Circuit Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know	

22. Do you believe that parties accord greater respect to the Family Court than they do to the traditional Juvenile and Domestic Relations District Court?

	10% (2)	15% (3)	35% (7)	40% (8)
	[1] Less respect	[2] No effect	[3] More respect	
	0	37% (13)	63% (22)	

23. Do you believe that attorneys accord greater respect to the Family Court than they do to the traditional Juvenile and Domestic Relations District Court?

	[1] Less respect	[2] No effect	[3] More respect
	0	29% (10)	71% (25)

24. Has the Family Court increased the workload of your court clerk?

Family Court	[1] Yes	[2] No
Circuit Court	[1] Yes	[2] No
	29% (2)	71% (5)
	26% (7)	74% (20)

25. If the answer to 24 is "yes," has this negatively affected the operation of the clerk's office?

Family Court	[1] Yes	[2] No
Circuit Court	[1] Yes	[2] No
	17% (1)	83% (5)

26. Have parties or attorneys complained about the operation of the Family Court? If "yes," please explain.

[1] Yes	[2] No
18% (6)	82% (27)

27. How has the Family Court affected your personal judicial workload?

[1] Reduced it	[2] No change	[3] Acceptable increase	[4] Burdensome increase
0	47% (15)	47% (15)	6% (2)

28. Do you consider the de novo appeal system in juvenile court to be a benefit or a liability in custody, visitation, support and termination of parental rights cases?

[1] Liability	[2] No effect	[3] Benefit
91% (32)	6% (2)	3%

- |   |                         |                              |                            |
|---|-------------------------|------------------------------|----------------------------|
| 29. Do you consider appeal on the record from the Family Court to the Court of Appeals in custody, visitation, support and termination of parental rights cases an improvement over the de novo appeal process in Juvenile and Domestic Relations District Court? | [1] Worse<br>8% (3)     | [2] No change<br>3% (1)      | [3] Better<br>89% (32)     |
| 30. Are alternative dispute resolution (ADR) services available for use in your court?  | [1] Yes<br>100% (33)    | [2] No<br>0                  |                            |
| 31. If the answer to 30 is "yes," do you make use of such services?   | [1] Yes<br>100% (33)    | [2] No<br>0                  |                            |
| 32. If used, are such ADR services:   | [1] Mandatory<br>3% (1) | [2] Voluntary<br>97% (32)    |                            |
| 33. Does the use of ADR services result in resolving one or more litigable issues?  | [1] Rarely<br>0         | [2] Occasionally<br>52% (16) | [3] Frequently<br>48% (15) |
| 34. Please make any other comments you wish about the Family Court system which would be useful in evaluating its effectiveness.  |                         |                              |                            |

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Thank you.



**SURVEY OF JUDGES**

Circuit Court and Circuit Court sitting as Family Court

**Part A**

**Background Information**

1. Current judicial status:
 

[1] Fulltime	86%	(6)
[2] Substitute	0	
[3] Retired	14%	(1)
  
2. Locality \_\_\_\_\_
 

Mecklenburg	14%	(1)
Roanoke County	14%	(1)
Smythe	29%	(2)
Roanoke City	14%	(1)
FIPS 923	29%	(2)
  
3. Age mean=52.0
  
4. Sex male=100% (7)
  
5. Race:
 

[1] Afro-American	[2] Hispanic	[3] White, non-Hispanic	[4] Other
0	0	100%	0
		(7)	
  
6. Type of court in which you sit:
 

[1] Circuit Court	57%	(4)
[2] Circuit Court sitting as Family Court	43%	(3)
[3] Juvenile & Domestic Relations District Court sitting as Family Court	0	
[4] Juvenile & Domestic Relations District Court sitting as non-designated Family Court	0	
  
7. Year appointed to your present judicial position
 

1970-75:	14%	(1)	1976-79:	14%	(1)
1980-85:	43%	(3)	1986-91:	29%	(2)
  
8. Have you had prior judicial experience?
 

[1] Yes	[2] No
71%	29%
(5)	(2)
  
9. If the answer to question 8 is "yes," state the court type \_\_\_\_\_  
and the number of years. \_\_\_\_\_ years
  
10. Number of years of private practice before taking the bench mean=12.7
  
11. Percentage of your law practice that was devoted to family law mean= 20.9 %

"Family law," for the purposes of this survey is defined as cases involving custody, visitation, child and spousal support, termination of parental rights, adoption, divorce, annulment, annulment of marriage, children in need of services or supervision, delinquency, child abuse or neglect, spouse abuse, and criminal offenses between spouses.

Part B

Please answer the following questions based on your current position as a judge by circling one number from his list: 1 = not at all; 2 = a little; 3 = somewhat; 4 = moderately; 5 = very much. You should respond only to those questions which relate to the court in which you sit.

12. To what extent has sitting as a judge in family matters in the last two years:		Not at <u>All</u>				Very <u>Much</u>
A. Improved your self-evaluated performance as a judge	1	2	3	4	5	
	33%(2)	17%(1)	17%(1)	33%(2)	0	
B. Improved your job performance	1	2	3	4	5	
	33%(2)	17%(1)	33%(2)	17%(1)	0	
C. Caused you to have a greater interest in family law matters	1	2	3	4	5	
	33%(2)	17%(1)	0	33%(2)	17%(1)	
D. Made you more aware of the emotional needs of the parties and their children	1	2	3	4	5	
	17%(1)	17%(1)	17%(1)	33%(2)	16%(1)	
E. Improved your knowledge of the law	1	2	3	4	5	
	17%(1)	17%(1)	0	50%(3)	16%(1)	
13. Do you believe the Family Court system is an improvement over the present system used in your court for processing divorces?	[1] Worse		[2] No change		[3] Better	
	29%(2)		57%(4)		14%(1)	
14. What was your opinion of a Family Court before your participation in this pilot project?	[1] Opposed		[2] No opinion		[3] In favor	
	29% (2)		14% (1)		57% (4)	
15. What is your opinion of the Family Court after sitting as a Family Court judge or observing its functioning in your judicial circuit/district?	[1] Opposed		[2] No opinion		[3] In favor	
	43% (3)		0		57% (4)	
16. In divorce cases in your court, how long must parties wait for a pendente lite hearing from the date of the request for the hearing:						
A. Lasting 30 minutes or less						
Family Court	14% (1)	86% (6)	0	0		
Circuit Court	14% (1)	86% (6)	0	0		
	[1] Less than 7 days	[2] 7-21 days	[3] Greater than 21 days	[4] Don't know		
	[1] Less than 7 days	[2] 7-21 days	[3] Greater than 21 days	[4] Don't know		
B. Lasting more than 30 minutes						
Family Court	14% (1)	57% (4)	29% (2)	0		
Circuit Court	14% (1)	57% (4)	29% (2)	0		
	[1] Less than 7 days	[2] 7-21 days	[3] Greater than 21 days	[4] Don't know		
	[1] Less than 7 days	[2] 7-21 days	[3] Greater than 21 days	[4] Don't know		

NOTE: When determining the passage of time in answering questions 17 through 21, please consider only delays attributable to the court's scheduling of cases. Delays which are caused by outside factors, such as the unavailability of opposing counsel, should not be considered. The Family Court, Circuit (or Juvenile and Domestic Relations District Court which you are describing should be that court jurisdiction in which you sit as a judge. If you sit as a Circuit Court judge and a Family Court judge, please answer the questions applicable to both courts.

17. In uncontested divorce cases in your court, how long must parties wait for conclusion of the case from the date of service on the respondent to the entry of the final decree on the merits?

	86% (6)	14% (1)	0	0
Family Court	[1] 1-2 mo.	[2] 3-4 mo.	[3] Greater than 4 mo.	[4] Don't know
Circuit Court	[1] 1-2 mo.	[2] 3-4 mo.	[3] Greater than 4 mo.	[4] Don't know
	86% (6)	14% (1)	0	0

18. In contested divorce cases in your court, how long must parties wait for a trial or a hearing on the merits from the time of the request for the hearing when the estimated time of trial/hearing is:

A. Three hours or less

	0	71% (5)	29% (2)	0	0
Family Court	[1] Less than 1 mo.	[2] 1-3 mo.	[3] 3-6 mo.	[4] Greater than 6 mo.	[5] Don't know
Circuit Court	[1] Less than 1 mo.	[2] 1-3 mo.	[3] 3-6 mo.	[4] Greater than 6 mo.	[5] Don't know
	0	71% (5)	29% (2)	0	0

B. Greater than 3 hours

	0	71% (5)	29% (2)	0	0
Family Court	[1] Less than 1 mo.	[2] 1-3 mo.	[3] 3-6 mo.	[4] Greater than 6 mo.	[5] Don't know
Circuit Court	[1] Less than 1 mo.	[2] 1-3 mo.	[3] 3-6 mo.	[4] Greater than 6 mo.	[5] Don't know
	0	71% (5)	29% (2)	0	0

19. In uncontested custody or visitation cases in your court, including § 20-79(c) referrals, how long must parties wait for a custody or visitation determination?

	50% (1)	50% (1)	0	0
Juvenile Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
Family Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
Circuit Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
	83% (5)	0	17% (1)	0

20. In contested custody or visitation cases in your court, including § 20-79(c) referrals, how long must parties wait for a custody or visitation determination?

	0	0	100% (1)	0
Juvenile Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
Family Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
Circuit Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
	29% (2)	43% (3)	28% (2)	0

21. In cases in which support is at issue in your court, including § 20-79(c) referrals, how long must parties wait for a support determination?

	0	100% (1)	0	0
Juvenile Court	[1] Less than 1 mo.	[2] 1-2 mo.	[3] 3 or more mo.	[4] Don't know
Family Court	71% [1] Less than 1 mo.	0 [2] 1-2 mo.	29% [3] 3 or more mo.	[4] Don't know 0
Circuit Court	(5) [1] Less than 1 mo.	[2] 1-2 mo. (2)	[3] 3 or more mo.	[4] Don't know
	71% (5)	0	29% (2)	0

22. Do you believe that parties accord greater respect to the Family Court than they do to the traditional Juvenile and Domestic Relations District Court?

[1] Less respect	[2] No effect	[3] More respect
0	86% (6)	14% (1)

23. Do you believe that attorneys accord greater respect to the Family Court than they do to the traditional Juvenile and Domestic Relations District Court?

[1] Less respect	[2] No effect	[3] More respect
0	57% (4)	43% (3)

24. Has the Family Court increased the workload of your court clerk?

Family Court	83% (5)	[1] Yes	[2] No	17% (1)
Circuit Court		[1] Yes	[2] No	
		29% (2)	71% (5)	
		40% (2)	60% (3)	

25. If the answer to 24 is "yes," has this negatively affected the operation of the clerk's office?

Family Court	[1] Yes	[2] No
Circuit Court	[1] Yes	[2] No
	50% (2)	50% (2)

26. Have parties or attorneys complained about the operation of the Family Court? If "yes," please explain.

[1] Yes	[2] No
71% (5)	29% (2)

27. How has the Family Court affected your personal judicial workload?

[1] Reduced it	[2] No change	[3] Acceptable increase	[4] Burdensome increase
0	71% (5)	29% (2)	0

28. Do you consider the de novo appeal system in juvenile court to be a benefit or a liability in custody, visitation, support and termination of parental rights cases?

[1] Liability	[2] No effect	[3] Benefit
72% (5)	14% (1)	14% (1)

- |   |                          |                          |                       |
|---|--------------------------|--------------------------|-----------------------|
| 29. Do you consider appeal on the record from the Family Court to the Court of Appeals in custody, visitation, support and termination of parental rights cases an improvement over the de novo appeal process in Juvenile and Domestic Relations District Court? | [1] Worse<br>33% (2)     | [2] No change<br>17% (1) | [3] Better<br>50% (3) |
| 30. Are alternative dispute resolution (ADR) services available for use in your court?  | [1] Yes<br>43% (3)       | [2] No<br>57% (4)        |                       |
| 31. If the answer to 30 is "yes," do you make use of such services?   | [1] Yes<br>100% (3)      | [2] No<br>0              |                       |
| 32. If used, are such ADR services:   | [1] Mandatory<br>67% (2) | [2] Voluntary<br>33% (1) |                       |
| 33. Does the use of ADR services result in resolving one or more litigable issues?  | [1] Rarely<br>0          | [2] Occasionally<br>0    | [3] Frequ<br>100%     |
| 34. Please make any other comments you wish about the Family Court system which would be useful in evaluating its effectiveness.  |                          |                          |                       |

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Thank you.

**Appendix D cont.**

**SUMMARY OF INTERVIEWS OF FAMILY COURT JUDGES**

**Family Court Pilot Project**

## INTERVIEWS OF FAMILY COURT JUDGES

The full-time judges who sat in the pilot family courts as family court judges designated by the Judicial Council had a unique perspective on the merits of the project. To pursue their opinions and impressions of the project effort beyond the surveys sent to all of the participating judges, an interview process was developed and carried out.

### Interview Process

Interviews were conducted with all of the full-time judges who sat in the pilot family courts during the project. A list of these judges can be found in Attachment D.2 to this paper. All but four of the eighteen judges who were interviewed met for up to an hour on an individual basis with Judge Frederick P. Aucamp, Chairman of the Subcommittee on Evaluation, Family Court Project Advisory Committee and Lelia B. Hopper, Family Court Project Director. These interviews took place in conjunction with the District Court Judges Conference in August, 1991. The remaining four judges were interviewed over the telephone by Mrs. Hopper in October, 1991.

A list of questions was developed which was asked of each of the judges who was interviewed. This list can be found in Attachment D.3 to this paper. The participating judges were encouraged to respond fully and freely to the interview inquiries. Each judge consented to the use of quotes which he or she made in the interview, attributable on the basis of title but not by name.

### Results of the Judges' Interviews

Findings from the interviews with the full-time Family Court judges are reported here narratively based on the following four areas of evaluation: (i) judges' opinions of the family court concept and of its strength and weaknesses as demonstrated by the pilot project; (ii) judges' assessment of the pilot projects' impact on lawyers, litigants, clerks and the judges themselves; (iii) judges' ratings of various issues relating to their caseload and case processing; and (iv) judges' observations on changes they would have made in the pilot project and on how they would structure a family court for the Commonwealth. Summary responses for the questions posed during the interviews can be found in Attachment D.4 to this paper.

### Judges' Opinions of the Family Court

Eighteen judges participated in the interview process: eleven juvenile and domestic relations district court judges and seven circuit court judges. A total of fifteen of these judges favored the concept of establishing a family court in Virginia before they participated in the pilot project. The remaining three judges had no opinion. Since participation in the project was on a voluntary basis, this is not an unexpected finding. As will be discussed later, however, there is significant variance among the judges as to what they believe should constitute a family court.

After participating in the project, two of the juvenile court judges who had no opinion about the family court changed to being in favor of it. Reasons given for the favorable opinion included the need to eliminate trial de novo so financial and emotional resources of litigants are not wasted; the belief that wider jurisdiction for the juvenile court would make the court more accessible and would eliminate confusion about where family issues belong in the court system; and finally, that family matters now in circuit court need the services which are now only available in juvenile court.

Of the fifteen judges who favored the family court concept before the project, seven of these judges (six juvenile court and one circuit court) now feel even more strongly the need for a family court structure in Virginia.

When asked about the strengths of the Family Court in their jurisdictions, eight judges responded that it saved time and made the process more efficient. Five judges also indicated the Family Court was less expensive for litigants than traditional case processing. Other strengths noted by at least two judges included the use of community services by family court judges; better access to the court for litigants; the availability of judges who are interested and better trained in family issues; and the provision of a continuity of services for parties after a divorce is filed.

The judges were also queried about weaknesses of the Family Court in their jurisdictions. Five judges reported no weaknesses. Three judges noted complaints about procedures related to the pilot nature of the effort: duplicate original orders and having to do business with two different court clerks. In addition, two judges noted that the clerks were overworked because of pilot processes. Two circuit court judges believed their inclusion in the project from the circuit court level was a weakness in the effort.

Several unique characteristics of a Family Court that allow it to handle family law matters better than the juvenile court or the circuit court were identified by the interviewed judges. Ten of the eighteen judges believe that specialization of judges is a significant advantage of the Family Court. Seven judges indicated that having all family matters in one court allows the Family Court to serve litigants in a better way. Elimination of trial de novo and the belief that Family Court commands more respect from the participants were indicated by five judges each as positive unique characteristics.

Noted by at least two or more judges were the following advantages of the Family Court: it is less expensive for litigants since commissioners in chancery are not used; the decisions of the court are final; family matters are given more time and attention; and attorneys are better organized and prepared.

The judges were also asked to note the characteristics of a Family Court which are a disadvantage in the handling of family law matters. Seven judges indicated they were not aware of any disadvantages. Two indicated concerns about developing a record for appeal, especially for pro se litigants.



## Impact of the Project

Judges were asked to report on their knowledge of the impact of the project on the lawyers and litigants who appeared before them, on the judges themselves, and on their courts' operations.

**Lawyers.** Nine judges indicated that lawyers liked the quickness of the Family Court process and believed that it saved time for them and their clients. Four other judges stated that the lawyers in their areas were generally positive about the pilot court.

The only disadvantage of the Family Court reported by more than one judge on behalf of lawyers was the requirement of the pilot procedures for duplicate original orders. The remainder of the complaints by lawyers also related to the pilot nature of the Family Court.

Eight of the Family Court judges, including one judge from the Circuit Court level, reported that lawyers were better prepared because there was no trial de novo in Family Court. These judges indicated that the lawyers performed better in the Family Court because the process was more formal and dignified, and the proceedings and any appeals were on the record. Three juvenile court judges and six circuit court judges believed there was no difference in attorney performance.

**Judges.** When asked whether the elimination of the trial de novo had an effect on the way the judges tried and decided cases, there was a decided split between the juvenile court and circuit court judges' responses. Eight juvenile court judges and one circuit court judge answered "yes." Three juvenile court and six circuit court judges answered "no." Reasons given to explain the effect on the judges' work included: when a court reporter is present, the judge is more careful to explain his decisions and rulings on the evidence; when writing court orders, decisions are more thoroughly substantiated to avoid reversal on appeal; the judge keeps better trial notes so the case can be developed for appeal; and hearings are conducted in a more formal and thorough manner.

There was a similar difference in opinion between the juvenile court and circuit court judges in response to this inquiry: do you believe that elimination of trial de novo reduced the number of appeals of your decisions? Six judges from the juvenile court level and one from the circuit court answered "yes." Six circuit court judges answered "no." The remaining five juvenile judges indicated they did not know.

Finally, the judges were asked whether participation in the Family Court project had increased their personal workload. The breakdown of the responses was as follows: replying "yes" were nine juvenile court judges and three circuit court judges; replying "no" were two juvenile court judges and four circuit court judges. One juvenile judge indicated that he was discouraged that the project was going to end. He would prefer to have the additional workload than to go back to a system designed for non-lawyer judges. Another juvenile judge indicated

having significantly greater satisfaction with serving as a judge despite the increased workload because of the addition of divorce cases and the trial of cases on the record.

**Litigants.** The judges were asked to assess whether the Family Court produced positive or negative effects on the litigants. No negative effects were reported. Fourteen judges responded that the project affected litigants positively for several reasons. The most often cited positive effects were the elimination of trial de novo (six judges); finality of the court decision (three judges); and good treatment of litigants by court personnel (three judges). Also mentioned by at least two judges were the positive effects of expedited hearings; the ability to handle related cases, and the belief that litigants are more impressed with appearing before a judge than a commissioner in chancery. The remaining four judges, all from the circuit court, believed the project had no effect on litigants, or they did not know what the effect was.

**Court Operations.** The effect of the project on the participating courts' operations was subject of the next inquiry. Nine judges indicated that the project negatively affected their court's operations to the degree that their clerk's offices were overworked by the required pilot processes. At the same time, the judges reported that the project made their clerks more alert, careful and professional in their work (four judges) and provided a more positive image for the court (two judges). Sixteen of the judges stated that they were unaware of or there were no problems with coordination between the Family Court clerk and the Circuit Court clerk.

#### **Case Processing Issues**

The circuit courts which participated in the pilot project traditionally handle chancery cases in different ways: some of them use commissioners in chancery, others significantly use depositions, while still others rely on ore tenus hearings. Similarly local bars approach equitable distribution and the use of alternative dispute resolution services differently. Several questions were asked the interviewed judges to account for variances in local practice in the pilot courts.

There was an even split among the judges as to whether they had handled equitable distribution cases in the Family Court: five juvenile court and four circuit court judges answered "yes." Six juvenile court and three circuit court judges answered "no." Equitable distribution cases were generally not heard because lawyers frequently settle the cases when a hearing date is set, or mediation is used to prompt a settlement, according to the judges.

When asked whether they tried many contested divorce cases, eight juvenile court judges and four circuit court judges responded "yes" or "some such cases." Three each of the juvenile and circuit court judges responded "no." These latter judges stated that parties generally fight over child custody and property distribution matters and not over the grounds for divorce.

The judges were next asked to estimate the percentage of their divorce cases which were handled by deposition versus those that were ore tenus. Five juvenile court judges and four circuit judges indicated that the majority of their divorces were handled on depositions with few to none being heard ore tenus. On the other hand, five juvenile judges and one circuit judge

indicated just the opposite: that the majority of their divorces were heard ore tenus with depositions seldom if ever being used. Of the remaining judges, one juvenile court judge stated that divorce cases were pretty evenly split between depositions and ore tenus hearings, and two circuit judges did not know the percentage of usage. Three circuit judges added that contested issues in divorces in their jurisdictions are routinely handled with ore tenus hearings.

"Does the handling of divorces by depositions have an advantage over handling the case ore tenus or vice versa?" In response to this inquiry, the interviewed judges said that depositions were quicker (five judges), avoid court appearances (three judges) and are less costly to litigants (one judge). Conversely, ore tenus hearings were seen as advantageous because the judge can rule better on a case when evidence is heard in court (seven judges); hearings are less costly to litigants (three judges); and contested cases are better decided with a hearing (two judges).

The judges were asked to gauge whether they had many juvenile or domestic relations cases related to the divorces which they had in Family Court. Eleven of the judges (seven juvenile, four circuit) indicated they had had some such cases. The remaining seven judges (four juvenile, three circuit) stated they had had few or no such cases.

As a final question in this section, the judges were asked whether from their experience in Family Court, Alternative Dispute Resolution improved the resolution of family law disputes. Twelve of the eighteen judges replied "Yes." Three judges said "No." Three stated they had no such services available or did not know.

### Family Court Structure

For this final portion of the interview process, the judges were given the opportunity to suggest changes they would have made in the Family Court Pilot Project and ideas about how to structure a Family Court if one were established in Virginia.

Four of the interviewed judges, including three of the circuit judges, believed that circuit level judges should not have been part of the pilot effort. Three of the juvenile judges would have added jurisdiction over adoptions. Two juvenile judges stated that adequate staff and funding should have been provided for the conduct of the project.

Suggestions for the structure of a Family Court were more numerous. In general, the large majority of the judges prefer a freestanding family court. Differences of opinion arise as to these issues: assignment of judges to the court; availability of jury trials; and the extent of the court's jurisdiction.

**Attachment D.2**

**List of Judges Interviewed**

## **FAMILY COURT JUDGES**

**Honorable Jannene Shannon, Judge**  
Sixteenth Judicial District  
411 East High Street  
Charlottesville, VA 22901

**Honorable Stephen Rideout, Judge**  
Eighteenth Judicial District  
520 King Street  
Alexandria, VA 22314

**Honorable Jean H. Clements, Judge**  
Twentieth Judicial District  
P. O. Box 950  
Leesburg, VA 22075

**Honorable Dale H. Harris, Judge**  
Twenty-Fourth Judicial District  
901 Court Street  
Lynchburg, VA 24505

**Honorable Frederick H. Creekmore, Judge**  
First Judicial District  
301 Albemarle Drive  
Chesapeake, VA 23324

**Honorable James A. Leftwich, Judge**  
First Judicial District  
301 Albemarle Drive  
Chesapeake, VA 23324

**Honorable E. Preston Grissom, Judge**  
First Judicial Circuit  
300 Cedar Road  
Chesapeake, VA 23320

**Honorable Jane P. Delbridge, Judge**  
Nineteenth Judicial District  
4000 Chain Bridge Road  
Fairfax, VA 22030

**Honorable Arnold B. Kassabian, Judge**  
Nineteenth Judicial District  
4000 Chain Bridge Road  
Fairfax, VA 22030

**Honorable Michael J. Valentine, Judge**  
Nineteenth Judicial District  
4000 Chain Bridge Road  
Fairfax, VA 22030

**Honorable Gaylord L. Finch, Jr., Judge**  
Nineteenth Judicial District  
4000 Chain Bridge Road  
Fairfax, VA 22030

**Honorable David S. Schell, Judge**  
Nineteenth Judicial District  
4000 Chain Bridge Road  
Fairfax, VA 22030

**Honorable C. L. McCormick, III, Judge**  
Tenth Judicial Circuit  
P. O. Box 530  
Boydton, VA 23917

**Honorable Roy B. Willett, Judge**  
Twenty-Third Judicial Circuit  
P. O. Box 211  
Roanoke, VA 24010

**Honorable Clifford R. Weckstein, Judge**  
Twenty-Third Judicial Circuit  
P. O. Box 211  
Roanoke, VA 24010

**Honorable Kenneth E. Trabue, Judge**  
Twenty-Third Judicial Circuit  
P. O. Box 1126  
Salem, VA 24153

**Honorable Charles H. Smith, Jr., Judge**  
Twenty-Eighth Judicial Circuit  
P. O. Box 1025  
Marion, VA 24354

**Honorable Charles B. Flannagan, II, Judge**  
Twenty-Eighth Judicial Circuit  
497 Cumberland Street  
Bristol, VA 24201

**Attachment D.3**

**Interview Questions for Family Court Judges**

## INTERVIEW QUESTIONS FOR FAMILY COURT JUDGES

Judge's Name:

Date:

Court Name:

1. What was your opinion of the concept of establishing a family court in Virginia before your participated in the pilot project?
2. Has this opinion changed and if so, in what way and for what reason?
3. What have been the strengths of the Family Court Pilot Project in your jurisdiction?
4. What have been the weaknesses of or complaints about the Family Court Pilot Project in your jurisdiction?
5. What are the unique characteristics of a Family Court that allow it to handle family law matters better than the juvenile and domestic relations district or the circuit courts?
6. What characteristics of a Family Court do you feel are a disadvantage in the handling of family law matters?
7. What issues did lawyers who appeared in the Family Court raise with you or your staff as being advantages or disadvantages with the new system?
8. Do you believe lawyers were better prepared in the Family Court because there was no trial de novo?
9. Do you feel that the elimination of the trial de novo had an effect on the way you tried and decided your cases? If so, please explain.
10. Do you believe that the elimination of the trial de novo reduced the number of appeals of your decisions? If yes, then why, and was this a positive or negative effect?
11. Have you handled any equitable distribution cases in the Family Court? If not, why not?
12. Did you try many contested divorce cases, and if not, why not?
13. What percentage of your divorce cases were handled by depositions and what percentage were ore tenus?
14. Does the handling of divorces by depositions have an advantage over handling these cases ore tenus, and vice versa?
15. Did you have many related cases? Why or why not?

16. **Has the Family Court produced positive or negative effects on the litigants? Please explain.**
17. **(Deleted)**
18. **Has the Family Court produced positive or negative effects on your court's operation?**
19. **Has the Family Court increased your personal workload?**
20. **Did your court experience any problems with coordination between the Family Court clerk and the Circuit Court clerk?**
21. **From your experience in the Family Court, did ADR improve the resolution of family law disputes?**
22. **What would you have changed in the Family Court Pilot Project?**
23. **Do you have anything else you would like to state about the Family Court?**
24. **If a family court structure were established in Virginia, what form do you recommend that such a structure take?**



**Attachment D.4**

**Summary of Judicial Interview Responses**

## INTERVIEWS OF FAMILY COURT JUDGES

Responses to the interview questions which are summarized hereafter are divided into two groups: juvenile and domestic relations district court judges who sat as designated family court judges of whom there were eleven; and circuit court judges who sat as designated family court judges of whom there were seven.

It should be noted that the judges were not given a list of possible responses to the questions. The items listed below the questions which follow were individually volunteered by the judge being interviewed. When different judges gave the same response, that is so indicated.

1. What was your opinion of the concept of establishing a family court in Virginia before you participated in the pilot project?

- a. Favored the concept
- b. Opposed the concept
- c. No opinion

Judge Type	
Juvenile Court	Circuit Court
10	5
0	0
2	1

2. Has this opinion changed, and if so, in what way and for what reasons?

- a. No, opinion has not changed
- b. No, opinion has not changed but now feel more strongly in favor of family court concept
- c. Yes, opinion has changed

Judge Type	
Juvenile Court	Circuit Court
9	6
6	1
2	0

Both changes of opinion were in favor of a family court for these reasons:

- o Need to eliminate trial de novo so emotional and financial resources are not wasted
- o Wider jurisdiction for juvenile court would make the court more accessible and would eliminate confusion about where family issues belong in the court system
- o Family matters in circuit court need the services available in juvenile court

3. What have been the strengths of the Family Court in your jurisdiction?

- a. Saves time and makes the process more timely
- b. Less expensive for litigants
- c. Provides parties with better access to court
- d. Judges are more interested and better trained in family issues
- e. Judges make use of community services
- f. Parties are provided continuity of services after the divorce is filed

Judge Type	
Juvenile Court	Circuit Court
7	1
3	2
2	
2	
1	2
2	

Other strengths mentioned at least once by the juvenile court judges include: elimination of de novo appeal; judges are more diligent when they decide cases on the record; attorneys are better prepared; family court is accorded greater respect than juvenile court; circuit court was relieved of a portion of its caseload; cases related to divorces can be better handled; pro se litigants can use the family court more easily than the circuit court; juvenile judges and clerks demonstrated they can handle an increased, more diverse caseload.

4. What have been the weaknesses or complaints about the Family Court Project in your jurisdiction?

- a. None reported
- b. Procedures relating to the nature of the pilot, e.g., duplicate original orders; dealing with 2 clerks
- c. Family court clerk overworked
- d. Participation by circuit court judges in the pilot courts was not useful

Judge Type	
Juvenile Court	Circuit Court
3	2
3	
1	1
	2

Other weaknesses mentioned at least once by the juvenile court judges include: difficulty of developing a record for appeals, especially for pro se litigants; pro se litigants are not able to adequately articulate their cases; family court did not have law clerks to do research; litigants could not opt into the system; litigants did not want to be guinea pigs in a new system; attorneys opted out of the new systems because of its short-term nature or because of lack of familiarity with the family court judges.

5. What are the unique characteristics of a Family Court that allow it to handle family law matters better than the juvenile court or circuit court?

- a. Specialization of judges
- b. More respect for the family court
- c. All family matters are in one court
- d. Elimination of trial de novo
- e. Less expensive for litigants with no commissioners in chancery
- f. Finality of the court's decisions
- g. Family matters are given more time and attention
- h. Judges serve who are interested in family law
- i. Process is more timely
- j. More services are available
- k. Attorneys are better organized and prepared
- l. Inclination of family court to develop services

Judge Type	
Juvenile Court	Circuit Court
7	3
5	
3	4
3	2
3	
1	1
1	1
1	1
2	
2	
2	
1	1

Other unique characteristics mentioned at least once by a juvenile or circuit court judge are: ready access to the family court for scheduling hearings; avoidance of the duplicity of actions; judges are more careful when they make decisions on the record; juvenile court judges are better at handling social issues and matters involving children.

6. What characteristics of a Family Court do you feel are a disadvantage in the handling of family law matters?

- a. None
- b. Difficulty of developing a record for appeal, especially for pro se litigants

Judge Type	
Juvenile Court	Circuit Court
3	4
2	

Other disadvantages indicated at least once by juvenile court judges included: explaining appeal rights to pro se litigants; lack of familiarity by judges and clerks with procedures in chancery cases and the bar that practices in this area; litigants do not get a second opportunity to litigate their disputes; family court records are not accessible to the public; commissioners in chancery are eliminated; longer dockets; lack of experience by family court judges; extra burden family court places on the clerk's office.

Disadvantages listed at least once by a circuit court judge include: no right to trial by jury; circuit court judges decide property disputes better than juvenile judges; it is not always better to have the same judge decide all issues arising out of a family, such as divorce, property distribution and delinquency; general disadvantage for pro se litigants to be in a court of record.

7. What issues did lawyers who appeared in Family Court raise with you or your staff as being advantages or disadvantages of the new system?

**Advantages**

- a. Lawyers generally positive
- b. Saves time and makes the process more timely
- c. Less expensive for litigants
- d. Judges want to hear these cases

**Disadvantages**

- a. None noted
- b. Requirement for duplicate original orders
- c. Difficulty of scheduling cases with judges
- d. Unpredictability of judges on equitable distribution cases
- e. Clients don't like being part of an experiment
- f. Difficulty of appeals for pro se litigants
- g. Too many substitute judges
- h. Reluctance of lawyers to accept change
- i. Process was too fast to justify a big fee

Judge Type	
Juvenile Court	Circuit Court
2	2
9	
1	
1	
3	
2	2
1	
1	
1	
1	
1	1
1	

8. Do you believe lawyers were better prepared in the Family Court because there was no trial de novo?

- a. Yes
- b. No
- c. Did not know

Judge Type	
Juvenile Court	Circuit Court
7	1
3	6
1	0

Reasons given why lawyers are better prepared included: the proceeding is on the record and there is the possibility of an appeal; the process is more formal and dignified.

9. Do you feel that the elimination of the trial de novo had an effect on the way you tried and decided cases? If so, please explain.

- a. Yes
- b. No

Judge Type	
Juvenile Court	Circuit Court
8	1
3	6

Reasons given to explain the effect on the judges' work included: when a court reporter is present, the judge is more careful to explain his decisions and his rulings on the evidence; when writing court orders, decisions are more thoroughly substantiated to avoid reversal on appeal; the judge keeps better trial notes so the case can be developed for appeal; hearings are conducted in a more formal, thorough manner; the judge has become familiar with relevant case law, so decisions can be better substantiated.

10. Do you believe that elimination of trial de novo reduced the number of appeals of your decisions? If yes, then why and was this a positive or negative effect?

- a. Yes
- b. No
- c. Did not know

Judge Type	
Juvenile Court	Circuit Court
6	1
0	6
5	0

Reasons given why a reduction in the number of appeals is a positive effect included: hostility in the parents and instability in the children are reduced because of the finality of the decision; case is taken more seriously at the first trial. One judge stated that a reduction in the number of appeals is negative to the degree that litigants feel they didn't get what they wanted from the court process and believe they are powerless to change the results.

11. Have you handled any equitable distribution cases in the Family Court? If not, why not?

- a. Yes
- b. No

Judge Type	
Juvenile Court	Circuit Court
5	4
6	3

Reasons given for not hearing equitable distribution cases included: lawyers generally settle these cases when a hearing date is set; mediation is used to prompt settlement of these matters.

12. Do you try many contested divorce cases?  
If not, why not?

- a. Yes/some
- b. No

Judge Type	
Juvenile Court	Circuit Court
8	4
3	3

Reason given for why there are not a lot of contested divorce cases: parties generally fight over child custody and property distribution matters not over the grounds for divorce.

13. What percentage of your divorce cases were handled by deposition and what percentage were ore tenus?

% depositions v. % ore tenus

- a. 90-100 v. 0-10
- b. 70-90 v. 10-30
- c. 50-70 v. 30-50
- d. 30-50 v. 50-70
- e. 10-30 v. 70-90
- f. 0-10 v. 90-100
- g. did not know
- h. contested issues are heard ore tenus

Judge Type	
Juvenile Court	Circuit Court
3	3
2	1
1	
2	
3	1
	2
	3

These percentages were arrived at by interpreting the judges' estimations of the number of depositions versus ore tenus hearings used in handling divorce cases. For example, if a judge stated that he rarely used depositions, the 0-10% category was applied. If depositions were nearly always used, 90-100% was applied. The gradations of use between these extremes were determined as shown with the stated percentages.

14. Does the handling of divorces by depositions have an advantage over handling the case ore tenus or vice versa?

Advantages of depositions

- a. Quicker
- b. Avoids court appearance
- c. Less costly to litigants

Advantages of ore tenus hearings

- a. Judge can rule better on case when evidence is heard in court
- b. Less costly to litigants
- c. Good public relations for court
- d. Contested cases are better handled with a hearing

Judge Type	
Juvenile Court	Circuit Court
3	2
2	1
1	
-----	
5	2
3	
1	
	2

15. Did you have many related cases? Why or why not?

- a. Frequent/some
- b. Few/none

Judge Type	
Juvenile Court	Circuit Court
7	4
4	3

Reasons given for why there are few related cases: it is difficult to identify cases related to divorces; the divorces moved through family court pretty quickly; there were not many divorces in family court to hear.



16. Has the Family Court produced positive or negative effects on the litigants? Please explain.

- a. Negative
- b. Did not know/no change
- c. Positive for these reasons:
  - 1. elimination of trial de novo
  - 2. finality of court decision
  - 3. ability to handle related cases
  - 4. expedited hearings
  - 5. allows parties to work out their own problems
  - 6. litigants are well treated by court personnel
  - 7. litigants are more impressed with appearing before a judge than a commissioner in chancery
  - 8. increased general interest in family law

Judge Type	
Juvenile Court	Circuit Court
	4
11	3
6	
3	2
2	
1	
3	
1	1
1	

17. Deleted.

18. Has the Family Court produced positive or negative effects on your court's operations?

- a. No change
- b. Negative-clerks overworked
- c. Positive, for these reasons:
  - 1. clerks are more alert, careful and professional about their work
  - 2. provided a more positive court image
  - 3. improved judge morale with diversity of cases and finality of decisions
  - 4. easier for court personnel to centralize all issues with a family before one judge

Judge Type	
Juvenile Court	Circuit Court
	4
7	2
1	1
4	
2	
2	
	2

19. Has the Family Court increased your personal workload?

- a. Yes
- b. No

Judge Type	
Juvenile Court	Circuit Court
9	3
2	4

20. Did your court experience any problems with coordination between the Family Court clerk and the Circuit Court clerk?

- a. Yes
- b. No/did not know

Judge Type	
Juvenile Court	Circuit Court
1	1
10	6

21. From your experience in Family Court, did Alternative Dispute Resolution improve the resolution of family law disputes?

- a. Yes
- b. No
- c. Not available/did not know

Judge Type	
Juvenile Court	Circuit Court
9	3
1	2
1	2

22. What would you have changed in the Family Court Pilot Project?

- a. No changes suggested
- b. Eliminate circuit court judges in pilot family courts
- c. Add jurisdiction over adoptions
- d. Provide adequate staff and funding
- e. Provide method for keeping a record of the proceedings
- f. Allow Family Court to handle all Circuit Court divorces
- g. Allow parties to select the court their case will be heard in
- h. Move adult family crimes to the General District Court
- i. Increase number of referrals to Family Court in rural areas
- j. Extend the length of pilot project
- k. Eliminate CHINS, delinquency and related cases from Family Court jurisdiction
- l. Unmarried parties with family disputes should be in Family Court

Judge Type	
Juvenile Court	Circuit Court
3	
1	3
3	
2	
1	
1	
1	
1	
	1
	1
	1
1	

23. Do you have anything else you would like to state about the Family Court?

Not summarized.

24. If a Family Court structure were established in Virginia, what form do you recommend such a structure take? (Common elements suggested by the judges interviewed are listed below.)

- a. Phase into a freestanding Family Court with ability to transfer judges from court to court
- b. Freestanding Family Court with voluntary transfer of judges and elimination of trial de novo
- c. Freestanding Family Court with jurisdiction like pilot courts and jury trial in Circuit Court
- d. Same as "c" above but take traffic offenses out of Family Court
- e. One level of trial courts with floating assignments of judges
- f. One unified trial court
- g. Independent Family Court
- h. Family Court as division of Circuit Court with jurisdiction over all matters now in juvenile court plus domestic matters now in Circuit Court
- i. Family Court as division of Circuit Court but keep Juvenile Court for juvenile matters as now
- j. Give Circuit Court jurisdiction over all domestic matters in Juvenile Court
- k. Give Family Court and Circuit Court concurrent jurisdiction and let the parties choose the court they get

Judge Type	
Juvenile Court	Circuit Court
3	
3	1
2	1
	2
2	
1	1
2	
1	
	1
	1
1	

**Appendix E**

**SUMMARY OF SURVEY OF COURT CLERKS**

**Family Court Pilot Project**

## SURVEY OF COURT CLERKS

The administrative work for the pilot family courts in the localities which participated was largely accomplished by the clerks of the Juvenile and Domestic Relations District Courts and of the Circuit Court, both of whom were included in the survey process. The juvenile court clerks became Family Court clerks for the duration of the pilot project for both the pilots where the juvenile judges sat as Family Court judges and where the circuit judges sat as Family Court judges. A list of the Family Court Clerks can be found in Attachment E.1 to this paper.

The significant new duties of the Family Court clerks associated with the pilot project included learning the new procedures related to processing chancery cases and court of record proceedings; working with the bar and the public on these new processes; coordinating with the Circuit Court clerks on the referral of divorce cases and the processing of appeals; supporting the evaluation of the project by the completion of data sheets on all Family Court cases; and by supplying other court information as requested by the project staff.

The Circuit Court clerks supported the project by referring divorce cases to the Family Courts; by preparing the record for cases appealed from the Family Court to the Court of Appeals; and by completing data sheets on all divorces in the Circuit Court not referred to the Family Court.

Also included in the survey process were the two Circuit Court clerks for Arlington and Pulaski whose Circuit Courts served as control courts for the project.

### The Survey

To assess the impact of the pilot project on the clerks' offices, a survey was developed by the Subcommittee on Evaluation of the Family Court Project Advisory Committee. Copies of the survey with the data tabulated for all of the clerks can be found in Attachment E.2 to this paper. The survey for the Family Court clerks was distributed and reviewed at the June, 1991, District Court Clerks Conference. The same survey for the Circuit Court clerks was distributed at the same time by mail. Both surveys were returned by mail on an anonymous basis. Of 23 surveys sent out, 21 were returned.

The questions in the survey focus upon: (1) the clerks' perceptions of the impact of the project on changes in their offices' workload and on case processing; (2) the clerks' ratings of the time involved in processing cases in the Family Court or the Circuit Court and, in the case of the pilot circuit courts, in the Juvenile Court; and (3) the opinions of the clerks as to the merits of the project and of the concept of a family court.

## Results of the Clerks' Survey

Findings from the clerks' surveys are reported here narratively in terms of the above three areas of evaluation.

### **Impact on Workload and Case Processing**

The clerks were asked to consider five factors in rating the impact on their office's workload due to the Family Court Project. None of the clerks reported a decrease in the time spent on any of these activities. The majority of responding clerks indicated an increase in staff time spent with attorneys (16); time spent on processing cases (17); and time spent in coordination with other courts (15). Staff time spent with litigants increased according to six clerks, and time spent on appeals increased for eight clerks. No change in workload was indicated in the remaining responses.

Nine clerks responded to the inquiry: "Other than changes in workload, what have been the significant impacts of the Family Court on the Clerk's Office?" The majority of these comments related to concerns which are peculiar to any court experimental effort: lawyers and litigants were confused about procedures applicable to the pilot courts, and the clerks received the bulk of their questions and complaints. One clerk stated, however, that a significant impact of the Family Court was a "better relationship (working) between clerks' offices of Juvenile and Circuit Courts and attorneys."

Finally, one clerk commented that "cases initiated in Family Court are more thoroughly litigated than prior to the implementation of the Family Court." At the same time appeals are not filed by pro se litigants due to the complexity of filing and the expense. The number of motions for modification of an order and motions for rehearing has increased significantly as a result of the parties choosing not to appeal their cases while continuing to be dissatisfied with the ruling of the Court."

To assess the impact on the workload of the clerks' offices in the area of case processing, the respondents were asked to rate four factors as being a negligible burden (1) to very burdensome (5). The four factors are: time spent in completing data sheets; general increase in case volume; increase in time necessary to process cases; and increase in coordination with other courts/clerks. The majority of these factors were judged by the clerks to be only somewhat burdensome or a negligible burden. Eight clerks did indicate that the time spent in completing data sheets was burdensome (4) to very burdensome (4). See question 3 in the survey in Appendix A for a breakdown of the ratings for each factor.

### **Time of Processing Cases**

Several questions asked the clerks to rate the time involved in processing family cases in their courts. To maintain the anonymity of the small number of respondents, the returned surveys did not differentiate between Circuit and Family Court clerks, so that comparison

between these courts cannot be made here.

In all but three courts of the responding clerks, a pendente lite hearing can be held in 21 days or less, from the date of the request for the hearing, regardless of the length of the hearing. Twenty of 21 clerks indicated that an uncontested divorce case results in an entry of the final decree on the merits in two months or less.

Hearings which last three hours or less in contested divorce cases generally occur within the first three months after the request is made: less than 1 month (8); 1-3 months (9) and 3-6 months (3). Similar hearings lasting greater than three hours take place over a somewhat longer period of time: less than 1 month (4); 1-3 months (9); 3-6 months (3); greater than 6 months (2); not reported (2). The numbers in parenthesis indicate the number of clerks who marked the stated time period.

The next three questions considered the case processing times of custody, visitation and support cases. The responses for these questions also account for the time periods applicable to the four juvenile courts which processed cases in the circuit court pilots. The majority of responding clerks (15) stated that the parties in uncontested custody or visitation cases, including § 20-79(c) referrals, receive a custody or visitation determination in less than one month. When such cases are contested, the majority of the clerks (17) report that a determination is made within two months. When support is at issue, including § 20-79(c) referrals, nine clerks stated that a support determination is made in less than one month and nine indicated one to two months. The remaining courts took three or more months (3) or were not reported (2).

### Opinions about the Family Court

Two questions on the survey asked the clerks for their opinions about the merits of the Family Court Project and of the concept of a family court. Eight clerks responded "yes" to the inquiry: "Has participation in the Family Court Project by your office resulted in a better quality of service given to the public?" Seven clerks responded "no," and six indicated they did not know or the question was "not applicable."

A different response was obtained to this question: "If a Family Court system was established in Virginia with jurisdiction similar to that of the pilot courts, do you believe that system would be an improvement over the existing split system of Juvenile and Domestic Relations District Courts and Circuit Courts for the handling of family law matters?" Fourteen clerks responded "yes"; five said "no"; and two did not report an opinion.

### Comments by the Clerks

Space was provided on the survey for comments that would be useful in evaluating the project's effectiveness. Eighteen of the 21 court clerks made comments. Many of the comments related to the pilot nature of the court system: court papers should be handled by only one court; pilot procedures were confusing to the public and burdensome to the clerk's staff; the

pilot project was too short in duration to obtain the information necessary to determine its effectiveness. Related cases, especially delinquency and children in need of supervision, do not occur only within a two-year period.

Concern was also expressed about the process of appealing on the record and its effect on pro se litigants. One clerk wrote: "There is great concern by my staff about the appeal process, because they feel people don't appeal when they'd like to. I have been told it is because of the expense involved and most of our clients are in the court because it is accessible and relatively inexpensive for them to be heard. I have also been told people come to J&DR Court and stop short of going to Circuit Court for divorce because they can't afford that step. I have to wonder if changing the system will close out a portion of the public from using the court system. My other major concern is that the public has to do 'everything' for themselves if [there is] no attorney in the Circuit Court system and [they] have no opportunity to utilize intake services that are available in J&DR."

One clerk commented that the Circuit Court is very efficient in concluding divorce cases, when the attorneys proceed. Still another stated that because there were no significant differences in the timeframes for docketing cases for trial or in the services rendered to litigants, and because there were so few companion cases, she believes the current court system meets the needs of litigants. Both these clerks agreed there was no need for a Family Court.

Finally, several clerks pointed out the advantages they saw in the Family Court as it operated in their jurisdictions. These included: "I feel the parties will have the advantage of many services offered in Family Court and the advantage of a court more specialized in the areas of custody and visitation issues which affect the children." "The primary incentive [for a Family Court] in our jurisdiction seemed to be saving on the cost of Commissioners and depositions." "The Family Court has been able to schedule hearings more timely than the Circuit Court in most cases; there has been less expense to the parties in service of process and [in] the elimination of the commissioner in chancery."



**Attachment E.1**

**List of Family Court Clerks**

## FAMILY COURT CLERKS

Ms. Anne F. Patton, Clerk  
Albemarle County Family Court  
Juvenile Court Building  
411 East High Street  
Charlottesville, VA 22901

Ms. Phyllis E. Brown  
Retired Clerk (10-1-91)  
Alexandria Family Court  
Courthouse  
520 King Street  
P.O. Box 21461  
Alexandria, VA 22320

Ms. Arlene Z. Rager, Clerk  
Alexandria Family Court  
Courthouse  
520 King Street  
P.O. Box 21461  
Alexandria, VA 22320

Ms. Mary Harkness, Clerk  
Chesapeake Family Court  
P.O. Box 16404  
Chesapeake, VA 23324

Ms. Barbara J. Daymude, Clerk  
Fairfax County Family Court  
4000 Chain Bridge Road  
Fairfax, VA 22030

Ms. Betty W. Dillow, Clerk  
Loudoun County Family Court  
P.O. Box 950  
18 East Market Street  
Leesburg, VA 22075

Ms. Judith Smythers  
Former Clerk  
Lynchburg Family Court  
901 Church Street - First Floor  
P.O. Box 797  
Lynchburg, VA 24505

Ms. Carla F. Smith, Clerk  
Lynchburg Family Court  
901 Church Street - First Floor  
P.O. Box 797  
Lynchburg, VA 24505

Ms. Margaret C. Crowder  
Retired Clerk (7-1-91)  
Mecklenburg County Family Court  
P.O. Box 340  
Courthouse  
Mecklenburg, VA 23917

Ms. Barbara E. Edgerton, Clerk  
Mecklenburg County Family Court  
P.O. Box 340  
Courthouse  
Mecklenburg, VA 23917

Ms. Patsy A. Bussey, Clerk  
Roanoke City Family Court  
315 W. Church Avenue, 1st Floor  
P.O. Box 986  
Roanoke, VA 24005

Ms. Peggy H. Gray, Clerk  
Roanoke County Family Court  
305 East Main Street  
Courthouse Building  
Salem, VA 24153

Ms. Dorothy C. Whitt, Clerk  
Smyth County Family Court  
Courthouse  
Marion, VA 24354

**Attachment E.2**

**Clerk Survey Data and Sample Survey**

## **SURVEY OF COURT CLERKS**

1. Has the establishment of a Family Court changed:

- A. Staff time spent with litigants?
- B. Staff time spent with attorneys?
- C. Time spent on case processing?
- D. Time spent on appeals?
- E. Time spent in coordination with other courts?
- F. Other (specify)

(Clerks marked "decreased"; "no change"; or "increased".)

None of the clerks reported a decrease in the time spent on any of these activities. The majority of responding clerks indicated an increase in staff time spent with attorneys (16), time spent on processing cases (17); and time spent in coordination with other courts (15). Staff time spent with litigants increased according to 6 clerks; and time spent on appeals increased for 8 clerks. No change was indicated in the remaining responses.

2. Other than changes in workload, what have been significant impacts of the Family Court on the Clerk's Office?

Nine clerks made comments in response to this question. These comments indicated the following impacts on their offices of the Family Court:

- . "Created some confusion as to the correct Court to file documents."
- . "The evaluation information has significant impact as well as the amount of time spent with pro se litigants."
- . "Learning chancery case processing."
- . "Certain attorneys constantly asking if they are number '5', if so they will file divorce later."
- . "Confusion of the parties relative to appeals due to the J&DR and Family Court being separate courts under the same name."
- . "Questions about terms and processes that are different and phone calls increased significantly."
- . "Attorneys not well-informed on Family Court procedures."
- . "Better relationships (working) between clerks' offices of Juvenile and Circuit Courts and attorneys."

A lengthy comment by one clerk made these points: Cases initiated in Family Court are more thoroughly litigated than prior to the project. Pro se litigants do not appeal because of the complexity of filing and expense. Motions for modification and rehearings have significantly increased in lieu of de novo appeals. The Family Court has resulted in lengthy court dockets to accommodate the new cases.

3. With respect to question 1C above concerning case processing, please rate the impact on your workload due to the Family Court Project of the following factors. Use a rating scale of 1=negligible burden to 5=very burdensome.

A. Time spent in completing data sheets

Negligible Burden	1	(1)
	2	(6)
	3	(6)
	4	(4)
Very Burdensome	5	(4)

B. General increase in case volume

Negligible Burden	1	(8)
	2	(2)
	3	(7)
	4	(2)
Very Burdensome	5	(1)
Not reported		(1)

C. Increase in time necessary to process case

Negligible Burden	1	(1)
	2	(4)
	3	(9)
	4	(3)
Very Burdensome	5	(3)
Not reported		(1)

D. Increase in coordination with other court/clerks

Negligible Burden	1	(4)
	2	(7)
	3	(6)
	4	(3)
Very Burdensome	5	(0)
Not reported		(1)

4. In divorce cases in your court, how long must parties wait for a pendente lite hearing from the date of the request for hearing:

A. Lasting 30 minutes or less?

less than 7 days	(6)
7-21 days	(15)
greater than 21 days	(0)

**B. Lasting more than 30 minutes?**

less than 7 days	(0)
7-21 days	(17)
greater than 21 days	(3)
not reported	(1)

**5. In uncontested divorce cases in your court, how long must parties wait for a conclusion of the case from the date of service on the respondent to the entry of the final decree on the merits?**

less than 1 month	(8)
1-2 months	(12)
3-4 months	(1)
greater than 4 months	(0)

**6. In contested divorce cases in your court, how long must parties wait for a trial or a hearing on the merits from the time of the request for the hearing when the estimated time of trial/hearing is:**

**A. Three hours or less**

less than 1 month	(8)
1-3 months	(9)
3-6 months	(3)
greater than 6 months	(0)
not reported	(1)

**B. Greater than 3 hours**

less than 1 month	(4)
1-3 months	(9)
3-6 months	(3)
greater than 6 months	(2)
not reported	(3)

7. In uncontested custody or visitation cases in your court, including § 20-79(c) referrals, how long must parties wait for a custody or visitation determination?

Responses from Family Court clerks in pilot circuit courts who also processed traditional juvenile court cases.

		Juvenile Court	Family Court
less than 1 month	(12)	(2)	(1)
1-2 months	(3)	(1)	(3)
3 or more months	(1)		
not reported	(1)	(1)	

8. In contested custody or visitation cases in your court, including § 20-79(c) referrals, how long must parties wait for a custody or visitation determination?

		Juvenile Court	Family Court
less than 1 month	(4)	(1)	(2)
1-2 months	(9)	(2)	(2)
3 or more months	(3)		
not reported	(1)	(1)	

9. In cases in which support is at issue in your court, including § 20-79(c) referrals, how long must parties wait for a support determination?

		Juvenile Court	Family Court
less than 1 month	(8)	(1)	(1)
1-2 months	(6)	(3)	(3)
3 or more months	(2)		
not reported	(1)		

10. Has participation in the Family Court Project by your office resulted in a better quality of service given to the public?

Yes 8 No 7 Don't know/not reported 6

11. If a Family Court system was established in Virginia with jurisdiction similar to that of the pilot courts, do you believe that system would be an improvement over the existing split system of Juvenile and Domestic Relations District Courts and Circuit Courts for the handling of family law matters?

Yes 14 No 5 Not reported 2

## SURVEY OF COURT CLERKS

1. Has the establishment of a Family Court changed:

	<u>Decreased</u>	<u>No Change</u>	<u>Increased</u>
A. Staff time spent with litigants	[1]	[2]	[3]
B. Staff time spent with attorneys	[1]	[2]	[3]
C. Time spent on case processing	[1]	[2]	[3]
D. Time spent on appeals	[1]	[2]	[3]
E. Time spent in coordination with other courts	[1]	[2]	[3]
F. Other (specify)			

2. Other than changes in workload, what have been the significant impacts of the Family Court on the Clerk's Office?

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3. With respect to question 1.c. above concerning case processing, please rate the impact on your workload due to the Family Court Project of the following factors. Use a rating scale of 1 = negligible burden to 5 = very burdensome and circle one number from the list.

	<u>Negligible Burden</u>				<u>Very Burdensome</u>
A. Time spent in completing data sheets	1	2	3	4	5
B. General increase in case volume	1	2	3	4	5
C. Increase in the time necessary to process case	1	2	3	4	5
D. Increase in coordination with other courts/clerks	1	2	3	4	5

4. In divorce cases in your court, how long must parties wait for a pendente lite hearing from the date of the request for hearing:

A. Lasting 30 minutes or less

[1] Less than 7 days      [2] 7-21 days      [3] Greater than 21 days      [4] Don't know

B. Lasting more than 30 minutes

[1] Less than 7 days      [2] 7-21 days      [3] Greater than 21 days      [4] Don't know



**NOTE:** When determining the passage of time in answering questions 5 through 9, please consider only delays attributable to the court's scheduling of cases. Delays which are caused by outside factors, such as the unavailability of opposing counsel, should not be considered.

5. In uncontested divorce cases in your court, how long must parties wait for a conclusion of the case from the date of service on the respondent to the entry of the final decree on the merits?
- [1] Less than 1 mo.    [2] 1-2 mo.    [3] 3-4 mo.    [4] Greater than 4 mo.    [5] Don't know
6. In contested divorce cases in your court, how long must parties wait for a trial or a hearing on the merits from the time of the request for the hearing when the estimated time of trial/hearing is:
- A. Three hours or less
- [1] Less than 1 mo.    [2] 1-3 mo.    [3] 3-6 mo.    [4] Greater than 6 mo.    [5] Don't know
- B. Greater than 3 hours
- [1] Less than 1 mo.    [2] 1-3 mo.    [3] 3-6 mo.    [4] Greater than 6 mo.    [5] Don't know
7. In uncontested custody or visitation cases in your court, including § 20-79(c) referrals, how long must parties wait for a custody or visitation determination?
- [1] Less than 1 mo.    [2] 1-2 mo.    [3] 3 or more mo.    [4] Don't know
8. In contested custody or visitation cases in your court, including § 20-79(c) referrals, how long must parties wait for a custody or visitation determination?
- [1] Less than 1 mo.    [2] 1-2 mo.    [3] 3 or more mo.    [4] Don't know
9. In cases in which support is at issue in your court, including § 20-79(c) referrals, how long must parties wait for a support determination?
- [1] Less than 1 mo.    [2] 1-2 mo.    [3] 3 or more mo.    [4] Don't know
10. Has participation in the Family Court Project by your office resulted in a better quality of service given to the public?
- [1] Yes    [2] No    [3] Don't know

11. If a Family Court system was established in Virginia with jurisdiction similar to that of the pilot courts, do you believe that system would be an improvement over the existing split system of Juvenile and Domestic Relations District Courts and Circuit Courts for the handling of family law matters?

[1] Yes

[2] No

12. Please make any other comments you wish about the Family Court system which would be useful in evaluating its effectiveness.

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Thank you.

**Appendix F**

**SUMMARY OF SURVEY OF COURT SERVICE UNIT DIRECTORS**

**Family Court Pilot Project**

## SURVEY OF COURT SERVICE UNIT DIRECTORS

Each of the pilot family courts was supported by a court service unit which traditionally serves the juvenile and domestic relations district court. These units may be state-operated or locally-administered and provide the following services based on state law: intake; investigation of juvenile cases and domestic relations cases; and supervision of children on probation and aftercare. In addition, other services have been developed by the court service units to meet individual local needs. Such services which are relevant to the Family Court project include: mediation for domestic relations cases and child/family disputes; family and marital counseling; diversion programs out of intake; and the availability of a court psychologist.

To determine the impact of the pilot project on the court service units, a survey was developed by the Subcommittee on Evaluation. The survey was mailed to each of the ten court service unit directors responsible for units which served family courts. Responses were received from 9 of the 10 directors. The questions in the survey focus upon the court service unit directors' perceptions of the impact of the project on the units' provision of services and on changes in workload. The survey also asks about the directors' opinions as to the merits of the project and of the concept of a family court. Copies of the survey with the data tabulated for all of the directors can be found in Attachment F.1 to this paper.

### Requests for Services

The directors were asked whether the establishment of a Family Court changed the number of requests received by the Court Service Unit for alternative dispute resolution, counseling, social histories or home studies. Seven of nine directors indicated no change in service requests. Two directors indicated that requests for alternative dispute resolution and counseling increased.

### Significant Impacts of the Family Court

When asked the question: "Other than changes in workload, what have been the significant impacts of the Family Court on the Court Services Units?" seven out of nine directors responded that there had been no significant impacts.

The same two directors who indicated that they had experienced an increase in service requests, stated that the significant impact of the project on their units had involved their efforts to respond more effectively and creatively to the divorce issues newly before them and to custody and visitation cases.

### Impact on Workload

Directors were asked to rate the impact on their unit's workload due to the Family Court Project of six factors. Eight of nine directors reported that the following five factors were a negligible burden on their units' workloads: general increase in case volume; increase in the

time necessary to process case; increase in coordination with other courts/clerks; staff time spent with litigants; staff time spent with attorneys.

A sixth factor, time spent in completing data sheets, elicited responses from five directors as being a negligible burden to three who felt it was somewhat burdensome. One court service unit did not complete data sheets and did not answer this question.

Overall, the directors rated the workload of the Family Court Project as being negligible burden on their court service units.

### Opinions about the Family Court

Two questions on the survey asked the directors for their opinions about the merits of the Family Court Project and of the concept of a family court. Five directors responded "no" to the inquiry: "Has participation in the Family Court Project by your office resulted in a better quality of service given to the public?" One director responded "yes," and three indicated they did not know.

The same response was given to this question: "If a Family Court system was established in Virginia with jurisdiction similar to that of the pilot courts, do you believe that system would be an improvement over the existing split system of Juvenile and Domestic Relations District Courts and Circuit Courts for the handling of family law matters?" One director responded "Yes"; five said "No"; and three indicated they did not know.

### Comments by the Directors

Space was provided on the survey for comments that would be useful in evaluating the project's effectiveness. Six of the nine respondents took advantage of this opportunity. Generally, the statements indicated that the court service unit had little or no involvement with the project activities or experienced little that was different from their normal activities and, therefore, the directors could not judge its effectiveness.

One director noted that support and custody matters were better handled through the court service unit as a result of the project. Another director stated that: "with the Family Court system access to the legal process is more available regardless of economic issues. The delay with the existing split system because of appeals and referrals is eliminated. It is beneficial to have the same judge hearing all cases in the same family for consistency and fairness of dispositions to meet the needs of the family and community."

Finally, one director stated that her court service unit is very supportive of the Family Court concept. However, because no appreciable changes were made by the project in the provision of services to the public such as counseling, mediation, and access to the court without the need for a lawyer, this court service unit was disappointed at the results of the effort.

**Attachment F.1**  
**Court Service Unit Director Survey Data**  
**and Sample Survey**

## **SURVEY OF COURT SERVICE UNIT DIRECTORS**

Surveys distributed: 10  
Surveys responded to: 9

### **Responses to questions:**

1. Has the establishment of a Family Court changed the number of requests received by your Court/Services Unit for:
  - A. Alternative Dispute Resolution
  - B. Counseling
  - C. Social Histories or Home Studies
  - D. Other

7 out of 9 directors indicated no changes in service requests;  
2 responding directors stated that requests for alternative dispute resolution and counseling increased, but there was no increase for social histories or home studies.

2. Other than changes in workload, what have been the significant impacts of the Family Court on the Court Services Unit?

7 out of 9 directors indicated no significant impacts;  
the same 2 directors who responded differently to question #1 indicated these significant impacts:

- o more involvement in custody and visitation cases by the Court Psychologist and Family Counselor
- o effective use of crisis counseling in domestic relations cases to prevent possibility of physical abuse
- o dealing with divorce issues
- o looking for creative alternative services for divorcing clients to deal with emotional issues

3. Please rate the impact on your workload due to the Family Court Project of the following factors.

- A. Time spent in completing data sheets
- B. General increase in case volume
- C. Increase in the time necessary to process case
- D. Increase in coordination with other courts/clerks
- E. Staff time spent with litigants
- F. Staff time spent with attorneys

8 out of 9 directors responded to items B through F with a 1 or 2 on the 1-5 scale indicating that these factors were a negligible burden. One director indicated a 3 on the

1-5 scale for "C" increase in the time necessary to process case and for "E" staff time spent with litigants.

In response to factor "A," time spent in completing data sheets, 4 directors responded with a 2; 2 directors responded with a 3 and 1 director responded with a 4. One court service unit did not complete data sheets and responded "not applicable" to this question.

Overall, the directors rated the workload impact of the Family Court Project as having a negligible burden on their court service units.

4. Has participation in the Family Court Project by your office resulted in a better quality of service given to the public?

Yes 1 No 5 Don't Know 3

5. If a Family Court system was established in Virginia with jurisdiction similar to that of the pilot courts, do you believe that system would be an improvement over the existing split system of Juvenile and Domestic Relations District Courts and Circuit Courts for the handling of family law matters?

Yes 1 No 5 Don't Know 3

6. Please make any other comments you wish about the Family Court system which would be useful in evaluating its effectiveness.

6 of 9 directors made comments. They include the following:

"More clients are spending money on attorneys."

"Court Services Unit counselors need training in divorce procedures and issues.

"Support matters have received closer attention through use of Court Service Unit counselors. Custody matters are more easily handled in the exclusive venue of Family Court. The project has caused us to look at providing additional services and coordinating services, but we feel the quality of our services was already high."

"(1) We feel that with the Family Court System access to the legal process is more available regardless of economic issues. (2) The delay with the existing split system because of appeals and referrals is eliminated. (3) It is beneficial to have the same judge hearing all cases in the same family for consistency and fairness of dispositions to meet the needs of the family and community."

"The theory that everything could best be handled in a family court didn't prove out in our case. There was little activity that included the Court Service Unit. Therefore, our experiences will not be significant for a valid evaluation of the project as a whole."



**"Our CSU is very supportive of the Family Court concept. However, we did not see any appreciable changes made in the pilot program that would cause an impact on accessing services for the public.**

**"If the program were to accomplish its goals, there would have to be adequate funding to increase the capacity of accessing the court without need for counsel, mediation available at the onset of the action and parental counseling on the impact of divorce and separation on their children in both contested and non-contested matters. We might then see some positive differences in the system.**

**"Lastly, lack of information on cases prevented us from ever assisting in matching up related actions (e.g., delinquent) with pending divorce cases.**

**"We are disappointed at the results of this effort."**

## SURVEY OF COURT SERVICES UNIT DIRECTORS

1. Has the establishment of a Family Court changed the number of requests received by your Court Services Unit for:

	<u>Decreased</u>	<u>No Change</u>	<u>Increased</u>
A. Alternative dispute resolution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Social histories or home studies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Other (specify)			

2. Other than changes in workload, what have been the significant impacts of the Family Court on the Court Services Unit?

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Please rate the impact on your workload due to the Family Court Project of the following factors. Use a rating scale of 1 = negligible burden to 5 = very burdensome and circle one number from the list.

	<u>Negligible Burden</u>			<u>Very Burdensome</u>	
	1	2	3	4	5
A. Time spent in completing data sheets	1	2	3	4	5
B. General increase in case volume	1	2	3	4	5
C. Increase in the time necessary to process cases	1	2	3	4	5
D. Increase in coordination with other courts/clerks	1	2	3	4	5
E. Staff time spent with litigants	1	2	3	4	5
F. Staff time spent with attorneys	1	2	3	4	5
Has participation in the Family Court Project by your office resulted in a better quality of service given to the public?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know		
Do you believe the Family Court system is an improvement over the previous court organization?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			

**Please make any other comments you wish about the Family Court system which would be useful in evaluating its effectiveness.**

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**Appendix G**

**BACKGROUND INFORMATION**

**Family Court Pilot Project**

## CHAPTER 641

*An Act to amend the Code of Virginia by adding sections numbered 16.1-241.1, 16.1-296.1, 17-116.05:5, 20-96.1 and 20-96.2, relating to creation of experimental family courts.*

[S 689]

Approved March 27, 1989

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 16.1-241.1, 16.1-296.1, 17-116.05:5, 20-96.1 and 20-96.2 as follows:

*§ 16.1-241.1. Jurisdiction of experimental family court; venue.—Notwithstanding the provisions of § 16.1-241 and any other section of this title, those juvenile and domestic relations district courts designated as experimental family courts by the Judicial Council of Virginia pursuant to § 20-96.1 shall have, in addition to jurisdiction over the matters delineated in § 16.1-241, jurisdiction over suits for annulling or affirming marriage and for divorce that are referred to them by the designated circuit courts. Venue shall be as provided in § 20-96.*

*§ 16.1-296.1. Appeal from experimental family court; processing; transcript or written statement required.—Appeals from those juvenile and domestic relations district courts designated as experimental family courts by the Judicial Council of Virginia shall be to the Virginia Court of Appeals as provided in § 17-116.05:5. When an appeal is noted in the experimental family court, the case shall be forwarded to the corresponding designated circuit court for processing of the appeal as if the appeal had been noted in that circuit court. Parties shall either (i) obtain a court reporter for preparation of a transcript or (ii) use a written statement, on appeal.*

*§ 17-116.05:5. Appellate jurisdiction of cases from experimental family courts.—Any aggrieved party may appeal to the Court of Appeals from:*

1. Any final judgment, order, or decree of an experimental family court designated by the Judicial Council of Virginia pursuant to § 20-96.1 involving:

a. Suits for annulling or affirming marriage and for divorce that are referred by the designated circuit courts;

b. Cases originating in the experimental family courts involving the custody, visitation or civil support of a child, or spousal support, or involving the termination of residual parental rights and responsibilities when such cases are heard by a judge sitting as a judge of an experimental family court;

c. Cases in which jurisdiction for enforcement and modification of a decree has been transferred to the experimental family court by a circuit court pursuant to subsection (c) of § 20-79 when such cases are heard by a judge sitting as a judge of an experimental family court.

2. Any interlocutory decree or order entered in any of the cases listed in subdivision 1 of this section granting, dissolving, or denying an injunction.

*§ 20-96.1. Designation of experimental family court; jurisdiction; venue; procedure; decrees.—A. The Judicial Council of Virginia shall establish an experimental family court program effective January 1, 1990. The Judicial Council shall designate the circuit court and the juvenile and domestic relations district court within the same city or county in at least two urban locations and the circuit court and the juvenile and domestic relations district court within the same city or county in at least two rural locations.*

*B. Each designated juvenile and domestic relations district court shall serve as an experimental family court. Notwithstanding any other provisions of law, the experimental family courts shall have jurisdiction over those suits for annulling or affirming marriage and for divorce that are referred by the designated circuit court pursuant to this*

experimental program in addition to any other jurisdiction otherwise conferred on the juvenile and domestic relations district courts. The designated circuit court shall randomly refer to the experimental family court no less than twenty nor more than fifty percent of all such cases filed.

C. The Judicial Council shall designate the judges who shall sit as experimental family court judges. The Judicial Council shall designate at least one juvenile and domestic relations district court judge from an urban jurisdiction, at least one juvenile and domestic relations district court judge from a rural jurisdiction, at least one circuit court judge from an urban jurisdiction, and at least one circuit court judge from a rural jurisdiction.

Such circuit court judges shall continue to be judges who also sit in the judicial circuit containing the circuit court designated pursuant to this paragraph. In addition, in those experimental family courts in which the experimental family court judge is a circuit court judge, the judges of the judicial district containing the juvenile and domestic relations district court which serves as the experimental family court shall also sit as judges in such experimental family court; however, such juvenile and domestic relations district court judges may only exercise the powers which they could exercise in a juvenile and domestic relations district court.

D. Suits for annulling or affirming marriage and for divorce filed in the designated circuit courts shall be assigned a docket number upon receipt of the bill of complaint. An order of referral shall then be entered in the cases selected for referral to the experimental family court. However, if an objection to the referral is made by either party on motion which must be filed within twenty-one days of service of the bill of complaint, the case shall be returned to the circuit court. Process in the referred cases shall be initiated in the experimental family court as otherwise provided for such process initiated by the circuit courts, and appropriate pleadings and motions shall be filed in the experimental family court. Venue shall be as provided in § 20-96.

In those cases referred to the experimental family court, *pendente lite* hearings, preliminary motions and any other matters shall be heard in the experimental family court. Proceedings in the experimental family court shall be conducted as in other suits in equity. The evidence in such referred cases shall be heard *ore tenus* or by deposition. No such case shall be referred to a commissioner in chancery. The experimental family court shall have all the powers and authority in cases referred to it as the designated circuit court would have, including the entry of decrees and orders and the enforcement and modification of same. Cases referred by the circuit court shall remain in the experimental family court through the entry of a final decree and thereafter for enforcement and modification of such decree. Upon the entry of a final decree and the noting of an appeal, the papers in the case shall be returned to the circuit court from which the case was referred for the processing of the appeal pursuant to § 16.1-296.1. All other matters over which the experimental family court has jurisdiction shall be treated and tried as if they were cases in a juvenile and domestic relations district court.

E. Appeals from the experimental family courts shall be taken to either the Court of Appeals as provided in §§ 17-116.05 and 17-116.05:5, or, if not appealable to the Court of Appeals, to the appropriate circuit court as an appeal from a juvenile and domestic relations district court. On appeals to the Court of Appeals, parties shall either (i) obtain their own court reporter for preparation of a transcript or (ii) use a written statement.

F. The experimental family courts shall not accept new cases referred pursuant to this section after December 31, 1991, but shall be empowered to conclude all proceedings in such referred cases which are then pending before it. All case documents shall be transferred to the circuit court either by January 31, 1992, or at the conclusion of the proceeding, whichever occurs later. Upon transfer of the case documents, such cases shall resume their status as cases in the circuit court.

§ 20-96.2. Report on experimental courts.—The Judicial Council of Virginia shall study the operation of the experimental family courts and the participating circuit courts and also shall study the operations regarding suits for annulling or affirming marriages or for divorce of a similar urban circuit court and a similar rural circuit court which did not participate in the experiment. The Judicial Council shall report its findings concerning the impact of the experimental family court program on the Commonwealth's judicial system by December 31, 1992, to the Governor and the General Assembly.

## JUDICIAL COUNCIL OF VIRGINIA

Honorable Harry L. Carrico, Chief Justice

Honorable Lawrence L. Koontz, Chief Judge

Honorable William W. Sweeney, Judge

Honorable Rudolph Bumgardner, III, Judge

Honorable William L. Winston, Judge

Honorable Robert W. Stewart, Judge

Honorable William C. Fugate, Judge

Honorable John F. Daffron, Jr., Judge

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Mr. Robert N. Baldwin, Ex-Officio Secretary

---

\* Retired January 31, 1992

\*\* By invitation of the Chief Justice

\*\*\* Retired September 30, 1991

\*\*\*\* Died September 28, 1991

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**Mr. Vincent M. Picciano, Director**  
**Nineteenth District Court Services Unit**



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8-1-90)**

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**Honorable Jean H. Clements, Judge  
Loudoun Juvenile & Domestic Relations  
District Court**

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Honorable James A. Leftwich, Judge  
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Nineteenth Judicial District  
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Honorable Arnold B. Kassabian, Judge  
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4000 Chain Bridge Road  
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Honorable Gaylord L. Finch, Jr., Judge  
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Twenty-Third Judicial Circuit  
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Bristol, VA 24201

**Appendix H**

**Financial Impact Study**

**of**

**Family Court Proposals**

**For further information contact:**

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Office of the Executive Secretary  
100 North Ninth Street, Third Floor  
Richmond, VA 23219  
(804) 786-6455**

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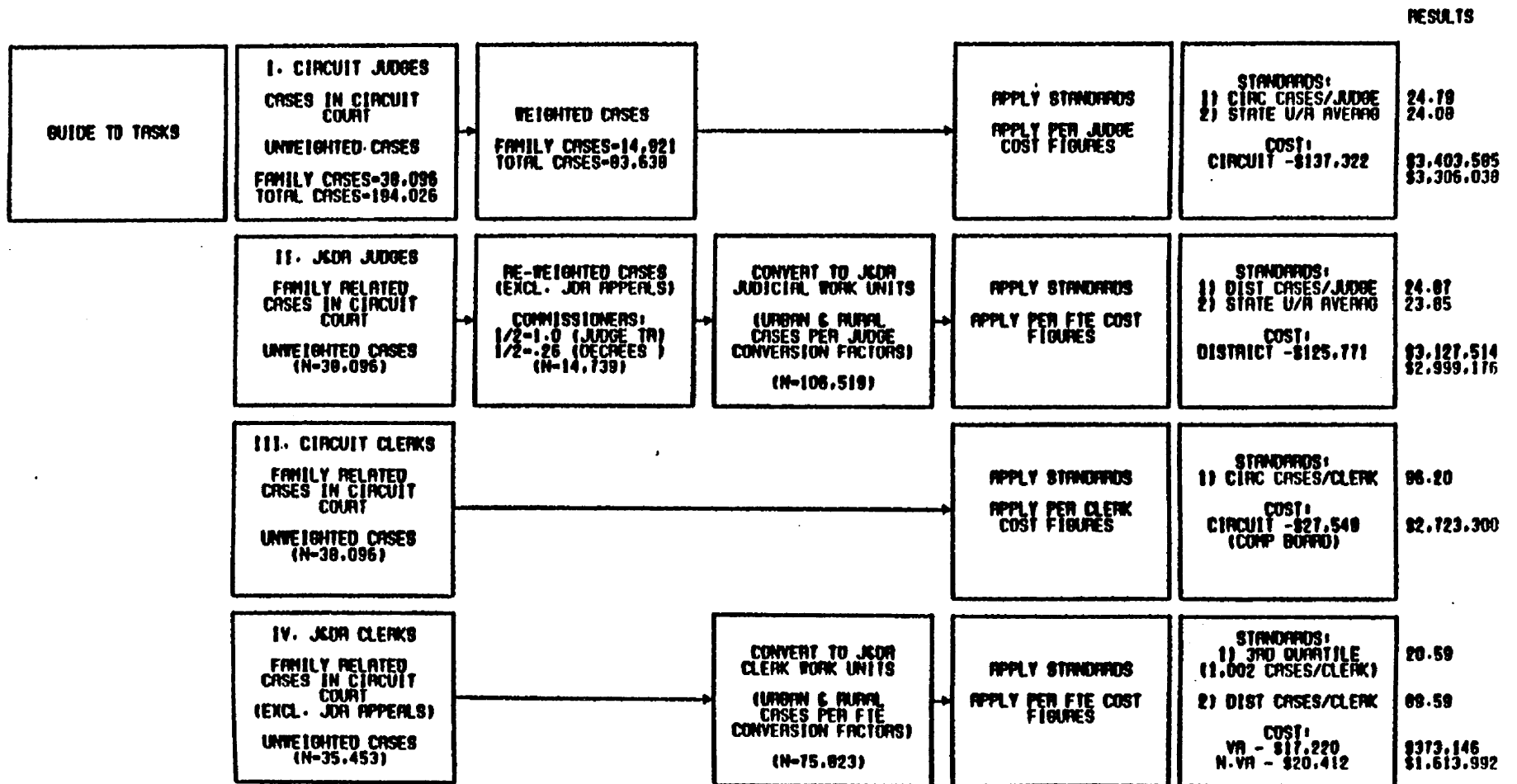
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# IMPACT STUDY OF FAMILY COURT PROPOSALS

## IMPACT ON THE NUMBER AND COSTS OF JUDICIAL AND CLERICAL PERSONNEL

### PROCESS OVERVIEW OF TASKS



# FINANCIAL IMPACT STUDY OF FAMILY COURT PROPOSALS IMPACT ON THE NUMBER AND COSTS OF JUDICIAL AND CLERICAL PERSONNEL

## OVERVIEW AND AND GUIDE TO TABLES

### PART I IMPACT ON NUMBER AND COST OF CIRCUIT COURT JUDGES

The first step in the impact study was to measure the impact on the number and cost of circuit court judgeships affected by the proposed transfer of family-related cases from the circuit courts to the new family court. In order to measure the current level of concluded family-related cases in the circuit courts, the following steps were taken.

The types of cases identified as family-related were defined to include divorce cases, reinstatements, adoptions and J&DR appeals. (Except where noted, statistics for these cases for each circuit were taken from the 1991 State of the Judiciary Report).

The first task was to "weight" all circuit court caseloads by case type and method of disposition in order to compare judicial workload involved in family-related cases to that of other case types. The weights were established through a survey of nearly 15 percent of circuit court judges. According to the survey, cases received the following weights.

#### FAMILY-RELATED CASES

a) Divorce cases:	
<u>Cases concluded by:</u>	<u>Weight:</u>
Settlement	0.14
Trial by Judge	1.00
Decree on Deposition	0.26
Report by Commissioner	0.40
With Exceptions	0.56
No Exceptions	0.21
Other	0.14

#### OTHER EQUITY CASES (Excluding Family-related Cases)

<u>Cases concluded by:</u>	<u>Weight:</u>
Settlement	0.14
Trial by Judge	1.00
Decree on Deposition	0.26
Report by Commissioner	0.40
With Exceptions	0.56

No Exceptions	0.21
Other	0.14

**LAW CASES**

<u>Cases Concluded by:</u>	<u>Weight</u>
Settlement	0.19
Default Judgment	0.17
Judge Trial	1.00
Report by Commissioner	0.40
Jury Trial	1.00
Other	0.19

**CRIMINAL CASES**

<u>Cases Concluded by:</u>	<u>Weight</u>
Withdrawn Prior to Trial	0.11
Nolle Prosequi	0.16
Guilty Plea Prior to Trial	0.32
Judge Trial	1.00
Jury Trial	1.00
Other	0.11

**Table 1** Table 1 presents the results of this weighting exercise. After weights were applied to 1991 concluded caseloads, civil cases dropped from 92,573 cases to 33,217 weighted cases. The number of criminal cases fell from 101,453 cases to 50,421 weighted cases.

Applying these weights to the caseload figures resulted in a total weighted concluded caseload of 83,638 cases, compared to a total unweighted caseload of 194,026. Family-related cases constituted nearly 20 percent of the unweighted caseload and approximately 18 percent of the weighted caseload.

Family-related cases were weighted as divorce, reinstatements, adoptions, and J&DR Appeals, by method of disposition. Tables 2, 3, and 4 present the results of this weighting, showing unweighted and weighted caseload figures.

**Table 2** a) The number of unweighted divorce cases concluded in the circuit courts in 1991 totaled 30,466. This total excluded purged cases. Table 2, columns 1-9. Applying the appropriate weights to total divorce cases resulted in a weighted workload figure of 10,317 cases. Table 2, columns 10-15.

**Table 3** b) The number of reinstatements commenced in 1991 was 3,372, not including purged cases. Since no measure of concluded reinstatements was available, an estimate based on the percentage of reinstatements in commenced "other equity" cases was made. This estimate assumes that

reinstatements are the same proportion of concluded "other equity" cases as they are of commenced "other equity" cases, that is, 19 percent. Applying this percentage to the number of concluded "other equity" cases yielded an estimate of 2,353 cases concluded in 1991. Table 3, columns 1-9.

Reinstatements were weighted with the same weights as divorce cases. Total weighted reinstatements totaled 828. Table 3, columns 10-19.

Table 4

- c) No direct measurement of adoptions by circuit was available. Therefore, the total statewide number of adoptions in 1991 supplied by the Department of Social Services (2,634) was distributed across the circuits based on each circuit's percentage of the total state "other equity" cases. Table 4, column 4.

Adoptions were weighted as follows:

Adoptions	0.43
Contested	0.68
Uncontested	0.23

Total weighted adoptions totaled 1,133 cases. Table 4, column 5.

- d) J&DR appeals were given weights of 1.00, the same as for judge trials. These cases totaled 2,643 in 1991. Table 4, column 6.

Table 5

The compilation of the unweighted caseload statistics for family-related cases is reviewed in Table 5. The weighted caseload statistics are reviewed in Table

Table 6

6. Weighted family-related cases totaled 14,921 in 1991. This compares to the unweighted caseload total of 38,096.

Removing the weighted family-related cases from the circuit courts' caseload will affect the number of judges required to handle the number of remaining cases in these courts. The reductions in the number of judgeships in the circuits should be interpreted as reductions in future needs for additional judicial resources rather than as actual losses of positions. For comparative purposes, several methods were used to measure the impact on the number of circuit court judges of transferring the weighted family-related caseload from the circuit courts.

The first method employed an estimate of the percentage of a circuit court judge's time used in family-related matters to estimate the number of full-time equivalent judgeships currently handling family-related cases statewide. According to a survey of nearly 15 percent of circuit court judges,

approximately 22 percent of a judge's time is occupied by family matters in the circuit courts.

a) Using this percentage, 29.4 judges are currently handling family-related cases. Table 7, column 4.

Table 8

b) Table 8 presents the cost avoidance figures associated with these judges if family-related cases were to be transferred from the circuit courts (\$4.0 million).

The second method used utilized simple correlation and regression analysis to construct a model which explains the variation in the number of judgeships in terms of caseloads according to methods of disposition. Correlation and regression analyses are commonly used statistical techniques for measuring the relationships between factors, such as the number of judges and workload. Correlation analysis is a standard statistical technique which measures the strength and direction of the relationship between two variables. Regression analysis is a technique which can be used to further analyze the relationship between a dependent variable (for example, the number of judges) and one or more independent variables (for example, caseloads by method of disposition).

Regression analysis produces an equation or model which best summarizes how much impact the independent variables have in increasing or decreasing the dependent variable. In addition to the equation produced, regression analysis provides a measure of the strength of the relationship between the dependent and independent variables. This measure is designated as the  $R^2$ , a statistic which can range from 0 to 1. For the equation produced by the analysis of judgeships and caseload, the staffing equation had an  $R^2$  of .95. This means that the combination of caseloads variables accounts for 95 percent of the difference that can be observed in the number of judges across all circuits.

The regression equation can be used to "predict" how the number of judgeships would be affected by changing the caseloads, in other words, by removing a quantity of cases equal to the number of family-related cases identified in each circuit. The results of this preliminary regression analysis can be used as a check or verification of the ranges of results produced by other methods.

Table 9

a) Table 9 presents the results of the application of the regression equation (model) to each circuit's caseload minus family-related cases. Using the current number of judgeships in each circuit and removing family-related cases reduced the number of judges required by 18.2 (column 6). If the number of judges predicted by the model in each circuit before removing family cases is compared to the number of judges predicted after removing family-related cases, 15.9 fewer judges would be required (column 7).

The third method used to measure the impact of the proposals on the number of circuit court judges involved the use of the weighted caseload statistics described previously.

- Table 10**
- a) First, each circuit's 1991 average number of weighted concluded cases per judge was used as a measure of existing workload and served as a workload standard to determine the impact on the number of judges required after reducing the total number of cases by the number of family-related cases. Table 10, columns 1-11, shows that removing the 14,921 family-related cases from the total caseload of 83,638, and applying the statewide average of 620 weighted cases per judge, would result in the need for just over 110 judgeships, nearly 25 judges less than the current 135 circuit court judgeships..
  - b) Using the state urban and rural average numbers of cases per judge as alternative workload standards (614 and 627 cases per judge, respectively), resulted in the need for 111 judges. Table 10, columns 12-13.

**Table 12** A fourth and simpler method for determining the impact of transferring family-related cases from the circuit courts involved applying the percentage reduction in the number of cases (or 18 percent) to the number of judges required. This method resulted in the need for just over 110 judges, or 25 fewer than the current 135. Table 12.

**Table 11** To measure the impact on judgeship costs, the average cost per circuit court judgeship was applied in each circuit to the reductions in the number of judges identified above (i.e., using the circuit's cases per judge standard and the urban/rural average number of cases per judge standard). Table 11, columns 4 - 8, shows that the future cost avoidance due to the loss of family-related cases in the circuit courts would range from \$3.3 to \$3.4 million.

## **PART II IMPACT ON THE NUMBER AND COST OF J&DR DISTRICT COURT JUDGES**

The next step was to measure the impact on the number and cost of judgeships required to handle the influx of family-related cases to the proposed family court. For purposes of this impact study, the current juvenile and domestic relations district court was used as the court which would handle the family-related caseload identified as being transferred from circuit courts.

Because of the proposal to eliminate Commissioners in divorce cases when family cases are transferred to the family court (Proposal 3), the weighted caseload calculated in PART I above had to be altered. For purposes of measuring the impact on J&DR judges' workload, the weight given to cases concluded by reports by commissioners was changed from .40. One half of the cases were weighted as 1.0 (the same as for judge trials) and one half were weighted as .26 (the same as decrees on deposition).

The application of these different weights and the recalculation of the number of cases to enter the proposed family court are seen in Tables 13, 14, and 15.

**Table 13** Re-weighted divorce cases totaled 12,738. Table 13, columns 10-15.

**Table 14** Re-weighted reinstatements totaled 868. Table 14, columns 10-19.

**Table 15** The number of adoptions remained unchanged since there was no change in the weights applied. J&DR Appeals were removed from the caseload figures since these cases will not exist if Proposal 4 to eliminate trial de novo in the family court is adopted.

The compilation of these re-weighted caseload statistics is reviewed in Table 15. The new weighted total caseload totaled 14,739 cases.

**Table 16** The next step was to convert the re-weighted caseload statistics from circuit court to equivalent workload units in J&DR District Courts by applying a conversion factor. This factor is the ratio for urban and rural districts of the average number of cases concluded per judge for J&DR courts to the number of cases concluded per judge for circuit courts. The factor for urban districts is 7.58; and for rural districts 6.45. Table 16, column 10.

Application of these factors to the weighted cases from circuit courts yields an equivalent workload to be added to judges in J&DR District Courts. Table 16, column 11, shows that 14,739 weighted cases from circuit courts equals 106,519 cases expressed in district court terms. Adding these cases to the 1991 caseload of the J&DR courts would result in a total caseload of 442,702.

The impact of transferring this additional workload on the number of J&DR District Court judges was evaluated by applying two workload standards to the increased number of cases in each district.

- Table 17
- a) First, the standard of the current number of cases concluded per judge in each district was used to measure the impact of the additional workload on the number of judgeships required. Use of this standard resulted in an estimate of the need for nearly 25 additional judgeships in the proposed family court. Table 17, columns 1-9.
  - b) Second, the state urban / rural average number of cases concluded per judge was used as a workload standard. This showed that nearly 24 additional judgeships would be needed to handle the increase in the number of cases due to the influx of family-related cases from circuit courts. Table 17, columns 10-11.

Table 18 To measure the impact on costs for the additional required number of judgeships, cost figures per position supplied by the Fiscal Department were applied to each district. As can be seen in Table 18, 25 additional judgeships would cost \$3.1 million at the current rate of \$125,771 per judge, the current cost for a district court judgeship.

Table 19  
Table 20  
Table 21  
Table 22

Tables 19, 20, 21, and 22 review the impacts of the proposals on both circuit and J&DR district court judges using the circuit / district and the state urban / rural workload standards.

Table 23 Table 23 reviews the reductions in the number of circuit court judgeships by circuit. Circuits where there appears to be a clear case for the loss of at least one full judgeship are shown.

Table 24  
Table 25

Tables 24 and 25 review the geographic distribution of additional judgeships required in the proposed family courts to handle the increase in caseload due to the transferral of family-related cases from the circuit courts. Possible aggregations of required additional judgeships into "at-large" judgeships are presented for districts where there is not a clear case for at least one full additional judgeship. Districts that do clearly require at least one additional judgeship are also noted.

Table 24 presents the number of required additional judgeships resulting from the application of the district standard to the increased caseload, while Table 25 presents the number of required additional judgeships according to the state urban / rural standard.

Table 26 Table 26 presents the costs per circuit and district court judgeship used in evaluating the total impact on costs of transferring family-related cases from circuit to the J&DR district courts.



### **PART III**

#### **IMPACT ON NUMBER AND COST OF CIRCUIT COURT CLERKS**

In order to evaluate the impact on the number and cost of circuit court clerical personnel, the first task was to tabulate the current number of FTE positions in each circuit.

**Table 27** Table 27 presents FTE figures for each circuit court taken from the Compensation Board's latest report of positions (July 1, 1992).

**Table 28** Table 28 presents the basic duty (or service) areas of positions (FTEs) in the clerks' offices according to a study of staffing in the clerks' offices undertaken by the Joint Legislative Audit and Review Commission in 1990. A review of information in this study indicated that approximately 47 percent of each FTE position could be defined as being involved in case processing activities.

Measuring the impact on the number of FTE positions and costs of moving the total number of unweighted family-related caseload out of circuit courts involved the following steps.

- Table 29**
- a) Forty-seven percent of each circuit's current number of FTE positions (excluding the constitutional officer) was defined as being involved in case processing activities. The number of concluded cases per FTE for these positions was applied as a workload standard to the number of family-related cases that would be transferred to the proposed family court. This resulted in a reduction of just over 96 positions. This reduction should be interpreted as a measure of future resource avoidance rather than a proposed decrease in the number of actual positions in the circuit court clerks' offices.  
Table 29, columns 1-7.
  - b) Using an average cost per FTE position (not including the Constitutional Officers or Clerks) given by the Compensation Board and adjusted for fringe benefits, etc., (\$27,549), resulted in a future cost avoidance figure of \$2.1 million. Table 29, column 8.

**PART IV  
IMPACT ON NUMBER AND COSTS OF J&DR DISTRICT COURT CLERKS**

**Table 30** To determine the additional workload that would be added to J&DR District Court clerks, the total unweighted number of family-related cases identified in Table 4 (minus J&DR Appeals) (35,453 cases) were converted to equivalent district court work units (75,825) by applying a conversion factor. This factor is the ratio of the number of J&DR cases concluded per FTE position to the number of circuit cases concluded per FTE position for urban and rural districts. Table 30.

**Table 31** The established 1991 staffing standard of the third quartile figure for the caseload per employee in the district courts (1,002 cases) was used to estimate the staff required to handle the additional workload of 75,825 cases. This resulted in an estimate of nearly 21 positions. Table 31, columns 1-9.

The additional personnel costs associated with this number of employees was calculated using the per employee costs given by the Personnel Department and resulted in an additional cost figure of \$373,146. Table 31, column 10.

The number of cases concluded per FTE position in each district in 1991 was then used as a workload standard to determine the additional staff required to handle the additional workload. According to this standard, 90 additional positions would be needed to process the additional 76,000 cases. Table 31, column 11.

The costs associated with this number of positions would be \$1.6 million. Table 31, column 12.

**PART V  
IMPACT ON NUMBER AND COST OF COURT SERVICE UNIT MEDIATORS**

**Table 32** Two estimates were made of the impact of the family court proposal on the number and cost of court service unit mediators. The first estimate was based on a measure from a study conducted in northern Virginia circuit courts which showed that 28 percent of divorce cases are contested. Applying this percentage to the total number of divorces concluded in 1991 and assuming that one mediator can handle 125 cases per year, it was found that 68 additional mediators, at a cost of \$2.8 million, would be needed to handle the 8,530 contested divorce cases in the family court. Table 32.

**Table 33** A sample of divorce cases concluded in Virginia Beach Circuit Court showed that 12 percent of the cases were contested. Applying this percentage results in 3,747 contested divorce cases and the need for an additional 30 mediators. Table 33.

TABLE 1

APPLICATION OF WEIGHTS TO CASES CONCLUDED IN THE CIRCUIT COURTS IN 1991									
1	2	3	4	5	6	7	8	9	10
	LAW CASES				EQUITY CASES				
	GD Apls/ Removals	Other Law	Weights	Weighted Cases	Divorce	Other Equity	J&DR Appeals	Weights	Weighted Cases
<b>CIVIL CASES</b>									
Settlement	2,011	25,032	0.19	5,034	2,039	4,367	981	0.14	1,031
Default Judgment	64	4,310	0.17	744		55		0.17	9
Judge Trial	949	7,824	1.00	8,773	2,036	2,776	856	1.00	5,668
Decree on Deposition					15,638	231		0.26	4,126
Commissioner		114	0.4	46	9,882	1,244		0.4	4,450
Jury Trial	99	1,414	1.00	1,513	4	52	6	1.00	62
Other	287	5,220	0.19	1,046	867	4,235		0.14	714
<b>Total</b>	<b>3,410</b>	<b>43,914</b>		<b>17,158</b>	<b>30,466</b>	<b>12,960</b>	<b>1,823</b>		<b>16,061</b>
			<b>Weighted</b>						
	<b>Cases</b>	<b>Weights</b>	<b>Cases</b>						
<b>CRIMINAL CASES</b>									
Withdrawn Prior to Trial	3,381	0.11	372		<b>SUMMARY</b>		<b>Unweighted</b>	<b>Weighted</b>	
Nolle Prosequi	16,219	0.16	2,595		Civil		92,573	33,217	
Guilty Plea Prior to Trial	42,313	0.32	13,540		Family Related		38,098	14,921	
Judge Trial	29,255	1.00	29,255		Not Family Related		54,477	18,296	
Jury Trial	3,964	1.00	3,964		Criminal		101,453	50,421	
Other	6,321	0.11	695		Total		194,026	83,638	
<b>Total</b>	<b>101,453</b>		<b>50,421</b>						

Note: Case weights were established through a survey of 15% of circuit court judges.

TABLE 2

DIVORCE CASES CONCLUDED IN THE CIRCUIT COURTS - 1991														
JUDGE CASELOAD AND WORKLOAD														
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
UNWEIGHTED DIVORCE CASES									WEIGHTED DIVORCE CASES					
Circuit	Urban/ Rural	Judges 1992	Settlement/ Non Suit/ Voluntary Dismissal	Trial Judge	Decree on Deposition	Report by Comm	Other	Total Divorce Concluded	Settlement/ Non Suit/ Voluntary Dismissal	Trial Judge	Decree on Deposition	Report by Comm	Other	Total Weighted Divorce Cases
									Weight = .14	Weight = 1.0	Weight = .26	.50 & .21	Weight = .14	
1	Urban	3	47	122	1	633	3	806	7	122	0	244	0	373
2	Urban	10	123	152	167	2,341	6	2,791	17	152	43	901	1	1,115
3	Urban	4	180		55	315	1	551	25	0	14	121	0	161
4	Urban	9	18			1,172	60	1,270	3	0	0	451	11	465
5	Rural	3	8	1	322	110	6	447	1	1	64	42	1	129
6	Rural	2	11	39	421		3	474	2	39	109	0	0	150
7	Urban	4	60		865		55	1,000	6	0	261	0	8	267
8	Urban	3	28	73	5	487	18	622	4	73	1	191	3	272
9	Rural	3	263	13	600	0	0	698	37	13	158	3	1	212
10	Rural	2	67	6	475	2	4	654	9	6	124	1	1	140
11	Rural	3	103		299		1	403	14	0	78	0	0	82
12	Urban	3	91	8	1,012		18	1,131	13	8	263	0	3	268
13	Urban	6	41	4	667		5	917	6	4	225	0	1	236
14	Urban	4	61		1,046	3	26	1,136	9	0	272	1	4	285
15	Rural	5	18	12	1,069	2	28	1,150	3	12	263	1	4	302
16	Rural	4	88	21	766	16	1	891	12	21	188	6	0	238
17	Urban	4	52	225	1	618		896	7	225	0	236	0	470
18	Urban	3	58	61		450	158	747	6	61	0	173	22	284
19	Urban	14	149	201		2,602	339	3,491	21	201	0	1,078	47	1,346
20	Rural	3	22	46	566	9	23	666	3	46	147	3	3	206
21	Rural	2	14	15	465	4	2	520	2	15	126	2	0	146
22	Rural	3	38	36	694		9	777	5	36	160	0	1	223
23	Urban	5	68	400	771	1	10	1,250	10	400	200	0	1	612
24	Rural	5	54	70	632		22	978	6	70	216	0	3	297
25	Rural	4	112	68	750		12	942	16	68	195	0	2	260
26	Rural	5	32	66	1,163	2	3	1,268	4	66	302	1	0	376
27	Rural	4	60	57	871	23	4	1,115	6	57	252	9	1	327
28	Rural	2	38	12	425	13	7	495	5	12	111	5	1	134
29	Rural	3	42	66	467		6	605	6	66	121	0	1	210
30	Rural	3	52	88	417		2	569	7	88	106	0	0	214
31	Urban	5	41	121		662		1,024	6	121	0	332	0	459
State		135	2,039	2,040	15,638	9,882	867	30,466	265	2,040	4,066	3,605	121	10,317
Urban		79	1,017	1,366	4,690	9,694		17,712	142	1,366	1,271	3,732	101	6,635
Rural		56	1,022	674	10,748	188		12,754	143	674	2,794	72	20	3,682

TABL

**REINSTATEMENTS CONCLUDED IN THE CIRCUIT COURTS - 1991  
JUDGE CASELOAD AND WORKLOAD**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Circuit	Urban/ Rural	Judges 1992	UNWEIGHTED OTHER EQUITY CASES						WEIGHTED OTHER EQUITY CASES						ESTIMATE OF WEIGHTED REINSTATEMENTS			
			Settlement/ Non Suit/ Voluntary Dismissal	Trial Judge	Decree on Deposition	Report by Comm	Other	Total Other Equity Concluded	Settlement/ Non Suit/ Voluntary Dismissal	Trial Judge	Decree on Deposition	Report by Comm	Other	Total Weighted Other Equity Cases	Comm. Other Equity 1991	Comm. Reinstatement 1991	Ratio of Col 17 to Col 16	Ratio Applied to Weighted Cases = Reinstatement
									Weight = .14	Weight = 1.0	Weight = .20	.50 & .21	Weight = .14					
1	Urban	3	113	0		3	123	245	10	0	0	1	17	40	483	40	0.10	4
2	Urban	10	372	202	6	202	220	1,001	52	202	1	70	31	364	1,117	43	0.04	14
3	Urban	4	79					79	11	0	0	0	0	11	148	0	0.00	0
4	Urban	9	66			21	494	563	10	0	0	0	69	87	667	206	0.23	20
5	Rural	3	31	32		31	114	208	4	32	0	12	10	64	310	36	0.12	7
6	Rural	2	73	11		2	0	84	10	11	0	1	1	23	140	3	0.02	0
7	Urban	4	70	37		56		163	10	37	0	22	0	69	257	31	0.12	8
8	Urban	3	40	20		22	263	377	0	20	0	0	40	61	360	104	0.27	22
9	Rural	3	230	46	14	47	102	441	32	46	4	18	14	110	670	87	0.15	17
10	Rural	2	107	20	12	25	01	245	15	20	3	10	11	59	200	13	0.05	3
11	Rural	3	40	0		23	62	139	0	0	0	0	0	32	200	6	0.03	1
12	Urban	3	150	3	11	0	164	362	22	3	3	2	26	60	621	109	0.18	10
13	Urban	6	203	107	15	72	13	410	25	107	4	20	2	169	690	31	0.05	9
14	Urban	4	109	97	3	24	15	247	15	97	1	0	2	124	389	0	0.00	0
15	Rural	5	242	109	0	109	140	615	34	109	2	42	20	206	836	36	0.04	8
16	Rural	4	189	02	20	75	00	471	20	02	0	20	12	150	620	101	0.16	25
17	Urban	4	62	204		01		347	0	204	0	31	0	244	510	150	0.31	70
18	Urban	3	136	03			340	559	10	03	0	0	48	150	523	251	0.48	72
19	Urban	14	484	285		20	400	1,255	68	285	0	0	65	426	2,006	1,058	0.30	161
20	Rural	3	143	01	17	40	177	446	20	01	4	10	25	129	705	111	0.14	10
21	Rural	2	38	21	2	31	105	197	5	21	1	12	15	53	207	58	0.28	15
22	Rural	3	53	02	2	37	104	358	7	02	1	14	20	130	300	40	0.10	13
23	Urban	6	64	340	4	21	172	629	12	340	1	0	24	393	740	255	0.34	134
24	Rural	5	121	122	34	40	237	563	17	122	0	10	33	200	650	53	0.08	10
25	Rural	4	174	03	13	34	140	444	24	03	3	13	20	143	675	05	0.15	21
26	Rural	5	269	130	10	30	03	544	30	130	4	15	12	206	490	20	0.05	11
27	Rural	4	140	131	23	50	229	587	20	131	0	22	32	212	603	120	0.21	44
28	Rural	2	30	02	2	25	45	102	5	02	1	10	6	104	202	43	0.15	10
29	Rural	3	55	02	15	12	33	197	0	02	4	5	5	103	304	18	0.05	5
30	Rural	3	30	122	5	14	23	202	5	122	1	5	3	137	310	5	0.03	3
31	Urban	5	381	144		50	70	653	53	144	0	22	10	229	723	220	0.32	73
State		135	4,367	2,776	231	1,244	4,235	12,053	011	2,770	00	470	593	4,519	17,660	3,372	0.19	620
Urban		70	2,304	1,542	30	500	2,380	6,010	331	1,542	10	220	333	2,442	10,160	2,524	0.25	602
Rural		60	2,003	1,234	193	050	1,855	5,943	280	1,228	50	253	260	2,076	7,500	848	0.11	220

TABLE 4

ADOPTIONS AND J&DR APPEALS CONCLUDED IN THE CIRCUIT COURTS - 1991					
JUDGE CASELOAD AND WORKLOAD					
1	2	3	4		5
			ADOPTIONS (Estimated)		J&DR APPEALS (Civil Only)
Circuit	Urban/ Rural	Judges 1992	Unweighted	Weighted Weight = .43	Weight = 1.0
1	Urban	3	50	21	26
2	Urban	10	204	88	226
3	Urban	4	16	7	58
4	Urban	9	118	51	178
5	Rural	3	42	18	79
6	Rural	2	19	8	30
7	Urban	4	33	14	139
8	Urban	3	78	33	87
9	Rural	3	91	39	74
10	Rural	2	50	21	30
11	Rural	3	28	12	47
12	Urban	3	74	32	145
13	Urban	8	86	37	83
14	Urban	4	51	22	110
15	Rural	5	127	55	146
16	Rural	4	97	42	58
17	Urban	4	71	31	24
18	Urban	3	114	49	12
19	Urban	14	258	111	16
20	Rural	3	91	39	16
21	Rural	2	40	17	22
22	Rural	3	73	31	112
23	Urban	5	129	55	157
24	Rural	5	114	49	127
25	Rural	4	90	39	124
26	Rural	5	111	48	88
27	Rural	4	124	53	95
28	Rural	2	39	17	49
29	Rural	3	41	17	90
30	Rural	3	42	18	126
31	Urban	5	133	57	69
State		135	2,634	1,133	2,643
Urban		79	1,414	608	1,330
Rural		56	1,220	525	1,313

TABLE 5

CIRCUIT COURT FAMILY RELATED CASES 1991 CONCLUDED CASELOAD (UNWEIGHTED CASES)							
1	2	3	4	5	6	7	8
Circuit	Urban/ Rural	Judges 1992	Divorce Cases	Reinstatement Estimated	Adoptions Estimated	J&DR Appeals	Total Family Related Cases
			(Table 2 Col 9)	(Table 3 C9 x C18)	(Table 4 Col 4)	(Table 4 Col 6)	
1	Urban	3	806	24	50	26	906
2	Urban	10	2,791	39	204	226	3,259
3	Urban	4	551	0	16	58	625
4	Urban	9	1,270	137	118	178	1,703
5	Rural	3	447	24	42	79	592
6	Rural	2	474	2	19	30	525
7	Urban	4	1,080	20	33	139	1,272
8	Urban	3	622	102	78	87	889
9	Rural	3	898	67	91	74	1,129
10	Rural	2	554	11	50	30	645
11	Rural	3	403	4	28	47	482
12	Urban	3	1,131	64	74	145	1,414
13	Urban	8	917	22	86	83	1,108
14	Urban	4	1,136	0	51	110	1,297
15	Rural	5	1,150	24	127	146	1,446
16	Rural	4	891	76	97	58	1,122
17	Urban	4	896	108	71	24	1,098
18	Urban	3	747	268	114	12	1,141
19	Urban	14	3,491	474	258	16	4,238
20	Rural	3	668	62	91	16	837
21	Rural	2	520	55	40	22	637
22	Rural	3	777	37	73	112	999
23	Urban	5	1,250	216	129	157	1,752
24	Rural	5	978	45	114	127	1,265
25	Rural	4	942	66	90	124	1,222
26	Rural	5	1,268	29	111	88	1,496
27	Rural	4	1,115	127	124	95	1,461
28	Rural	2	495	29	39	49	613
29	Rural	3	605	10	41	90	746
30	Rural	3	569	5	42	126	742
31	Urban	5	1,024	207	133	69	1,433
State		135	30,466	2,353	2,634	2,643	38,096
Urban		79	17,712	1,680	1,414	1,330	22,135
Rural		56	12,754	673	1,220	1,313	15,961

TABLE 6

CIRCUIT COURT FAMILY RELATED CASES 1991 CONCLUDED WORKLOAD (WEIGHTED CASES)							
1	2	3	4	5	6	7	8
Circuit	Urban/ Rural	Judges 1992	Divorce Cases	Reinstatement Estimated	Adoptions Estimated	J&DR Appeals	Total Family Related Cases
			(Table 2 Col 15)	(Table 3 Col 19)	(Table 4 Col 5)	(Table 4 Col 6)	
1	Urban	3	373	4	21	26	424
2	Urban	10	1,115	14	88	226	1,443
3	Urban	4	161	0	7	58	226
4	Urban	8	465	20	51	178	714
5	Rural	3	129	7	18	79	234
6	Rural	2	150	0	8	30	189
7	Urban	4	267	8	14	139	428
8	Urban	3	272	22	33	87	414
9	Rural	3	212	17	39	74	342
10	Rural	2	140	3	21	30	194
11	Rural	3	92	1	12	47	152
12	Urban	3	288	10	32	145	474
13	Urban	8	236	9	37	83	365
14	Urban	4	285	0	22	110	417
15	Rural	5	302	8	55	146	511
16	Rural	4	238	25	42	58	364
17	Urban	4	470	76	31	24	601
18	Urban	3	284	72	49	12	417
19	Urban	14	1,348	161	111	16	1,635
20	Rural	3	205	18	39	16	278
21	Rural	2	145	15	17	22	199
22	Rural	3	223	13	31	112	380
23	Urban	5	612	134	55	157	858
24	Rural	5	297	16	49	127	489
25	Rural	4	280	21	39	124	464
26	Rural	5	376	11	48	88	523
27	Rural	4	327	44	53	95	520
28	Rural	2	134	16	17	49	215
29	Rural	3	216	5	17	90	329
30	Rural	3	214	3	18	126	361
31	Urban	5	459	73	57	69	658
State		135	10,317	828	1,133	2,643	14,921
Urban		79	6,635	602	608	1,330	9,175
Rural		56	3,682	226	525	1,313	5,746



TABLE 7

<b>IMPACT ON CIRCUIT COURT JUDGES JUDICIAL WORKLOAD USING JUDGES' ESTIMATE OF PERCENT TIME SPENT ON FAMILY RELATED CASES (21.8%)</b>			
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>Circuit</b>	<b>Urban/ Rural</b>	<b>Judges 1992</b>	<b>Percent of Judges on Family Cases (Column 3 x .218)</b>
1	Urban	3	0.65
2	Urban	10	2.18
3	Urban	4	0.87
4	Urban	9	1.96
5	Rural	3	0.65
6	Rural	2	0.44
7	Urban	4	0.87
8	Urban	3	0.65
9	Rural	3	0.65
10	Rural	2	0.44
11	Rural	3	0.65
12	Urban	3	0.65
13	Urban	8	1.74
14	Urban	4	0.87
15	Rural	5	1.09
16	Rural	4	0.87
17	Urban	4	0.87
18	Urban	3	0.65
19	Urban	14	3.05
20	Rural	3	0.65
21	Rural	2	0.44
22	Rural	3	0.65
23	Urban	5	1.09
24	Rural	5	1.09
25	Rural	4	0.87
26	Rural	5	1.09
27	Rural	4	0.87
28	Rural	2	0.44
29	Rural	3	0.65
30	Rural	3	0.65
31	Urban	5	1.09
<b>State</b>		<b>135</b>	<b>29.43</b>
<b>Urban</b>		<b>79</b>	<b>17.22</b>
<b>Rural</b>		<b>56</b>	<b>12.21</b>

A survey of 15 percent of circuit court judges indicated than an average of 21.8 percent of a judge's time is spent on family related cases.

TABLE 8

**IMPACT ON CIRCUIT COURT JUDGES - NUMBER OF JUDGES AND COST  
JUDICIAL WORKLOAD USING JUDGES' ESTIMATE OF PERCENT TIME SPENT ON  
FAMILY RELATED CASES (21.8%)**

1	2	3	4	5
Circuit	Urban/ Rural	Judges 1992	Judgeship Reductions According to Estimate of Percent Time (From Table 7)	Judgeship Costs for Reductions (\$137,322 Per Judge)
1	Urban	3	0.65	\$89,809
2	Urban	10	2.18	\$299,362
3	Urban	4	0.87	\$119,745
4	Urban	9	1.96	\$269,426
5	Rural	3	0.65	\$89,809
6	Rural	2	0.44	\$59,872
7	Urban	4	0.87	\$119,745
8	Urban	3	0.65	\$89,809
9	Rural	3	0.65	\$89,809
10	Rural	2	0.44	\$59,872
11	Rural	3	0.65	\$89,809
12	Urban	3	0.65	\$89,809
13	Urban	8	1.74	\$239,490
14	Urban	4	0.87	\$119,745
15	Rural	5	1.09	\$149,681
16	Rural	4	0.87	\$119,745
17	Urban	4	0.87	\$119,745
18	Urban	3	0.65	\$89,809
19	Urban	14	3.05	\$419,107
20	Rural	3	0.65	\$89,809
21	Rural	2	0.44	\$59,872
22	Rural	3	0.65	\$89,809
23	Urban	5	1.09	\$149,681
24	Rural	5	1.09	\$149,681
25	Rural	4	0.87	\$119,745
26	Rural	5	1.09	\$149,681
27	Rural	4	0.87	\$119,745
28	Rural	2	0.44	\$59,872
29	Rural	3	0.65	\$89,809
30	Rural	3	0.65	\$89,809
31	Urban	5	1.09	\$149,681
State		135	29.43	\$4,041,386
Urban		79	17.22	\$2,364,959
Rural		56	12.21	\$1,676,427

TABLE 9

**IMPACT ON CIRCUIT COURT JUDGES  
REGRESSION MODEL METHOD USING 1991 CONCLUDED CASES BY METHOD OF  
DISPOSITION**

1	2	3	4	5	6	7	8	9
	Application of Regression Model			Change in Judgeships		Range		
			Over (+) Under (-)	Adjusted Cases (Minus Family Cases)	Based on Current	Based on Model	Minimum from	Maximum to
	Current	Predicted	Staffed	Model Predicted	Judges	Predicted Judges	Circuit	Family
Circuit	Judges	Judges	Now	Judges	(Col 5 - Col 2)	(Col 5 - Col 3)	Court	Court
1	3.00	3.29	-0.29	2.55	-0.45	-0.74	-0.45	-0.74
2	10.00	9.93	0.07	7.28	-2.72	-2.65	-2.65	-2.72
3	4.00	4.00	0.00	3.51	-0.49	-0.49	-0.49	-0.49
4	9.00	8.81	0.19	7.61	-1.39	-1.20	-1.20	-1.39
5	3.00	2.99	0.01	2.84	-0.16	-0.15	-0.15	-0.16
6	2.00	1.77	0.23	1.68	-0.32	-0.09	-0.09	-0.32
7	4.00	3.50	0.50	3.28	-0.72	-0.22	-0.22	-0.72
8	3.00	3.22	-0.22	2.65	-0.35	-0.57	-0.35	-0.57
9	3.00	3.75	-0.75	3.39	0.39	-0.35	0.39	-0.35
10	2.00	2.58	-0.58	2.46	0.46	-0.12	0.46	-0.12
11	3.00	2.38	0.62	2.24	-0.76	-0.14	-0.14	-0.76
12	3.00	3.38	-0.38	3.19	0.19	-0.19	0.19	-0.19
13	8.00	8.23	-0.23	8.06	0.06	-0.17	0.06	-0.17
14	4.00	3.60	0.40	3.42	-0.58	-0.18	-0.18	-0.58
15	5.00	4.72	0.28	4.44	-0.56	-0.27	-0.27	-0.56
16	4.00	3.67	0.33	3.40	-0.60	-0.27	-0.27	-0.60
17	4.00	4.78	-0.78	3.90	-0.10	-0.88	-0.10	-0.88
18	3.00	3.46	-0.46	2.87	-0.13	-0.59	-0.13	-0.59
19	14.00	12.97	1.03	9.88	-4.12	-3.09	-3.09	-4.12
20	3.00	2.76	0.24	2.61	-0.39	-0.15	-0.15	-0.39
21	2.00	2.44	-0.44	2.35	0.35	-0.09	0.35	-0.09
22	3.00	3.46	-0.46	3.27	0.27	-0.19	0.27	-0.19
23	5.00	5.44	-0.44	4.96	-0.04	-0.48	-0.04	-0.48
24	5.00	4.59	0.41	4.32	-0.68	-0.26	-0.26	-0.68
25	4.00	3.41	0.59	3.13	-0.87	-0.28	-0.28	-0.87
26	5.00	4.41	0.59	4.20	-0.80	-0.22	-0.22	-0.80
27	4.00	3.80	0.20	3.58	-0.42	-0.22	-0.22	-0.42
28	2.00	1.63	0.37	1.51	-0.49	-0.12	-0.12	-0.49
29	3.00	2.44	0.56	2.24	-0.76	-0.20	-0.20	-0.76
30	3.00	2.56	0.44	2.35	-0.65	-0.21	-0.21	-0.65
31	5.00	4.73	0.27	3.64	-1.36	-1.08	-1.08	-1.36
State	135.00	132.72		116.83	-18.17	-15.89	-10.85	-23.20

TABLE 10

**IMPACT ON CIRCUIT COURT JUDGES  
JUDICIAL WORKLOAD USING WEIGHTED CASES: AVERAGE CASELOAD PER JUDGE METHOD  
USING CIRCUIT AND STATE URBAN / RURAL STANDARDS**

1	2	3	4	5	6	7	8	9	10	11	12	13
Circuit	Urban/ Rural	Judges 1992	Total Weighted Family Related Cases (a)	Family Related Cases/ Judge	Total Weighted Concluded Cases 1991	Total Weighted Concluded Cases Per Judge	Adjusted Concluded Cases (Col 8/Col 4)	Adjusted Concluded Cases Per Judge	Judges Required to Maintain Circ. Average(b) (Col 8/Col 7)	Change In Number of Judges Required(c)	Judges Required to Maintain U/R Average(d)	Change In Number of Judges Required
									CIRCUIT STANDARD FOR JJ		STATE U/R STANDARD	
1	Urban	3	424	141	1,878	659	1,652	517	2.38	-0.64	2.53	-0.47
2	Urban	10	1,443	144	4,900	490	3,457	346	7.00	-2.94	5.03	-4.37
3	Urban	4	228	58	2,828	657	2,400	600	3.68	-0.34	3.91	-0.69
4	Urban	9	714	79	3,838	437	3,222	358	7.37	-1.63	5.25	-3.75
5	Rural	3	234	78	1,928	642	1,692	564	2.84	-0.36	2.70	-0.30
6	Rural	2	169	85	1,327	664	1,138	569	1.71	-0.29	1.81	-0.19
7	Urban	4	428	107	2,877	689	2,248	562	3.38	-0.64	3.68	-0.34
8	Urban	3	414	138	1,831	610	1,417	472	2.32	-0.68	2.31	-0.68
9	Rural	3	342	114	2,391	797	2,049	683	2.67	-0.43	3.27	0.27
10	Rural	2	194	87	1,382	691	1,188	594	1.72	-0.28	1.88	-0.11
11	Rural	3	162	51	1,311	437	1,169	388	2.86	-0.35	1.86	-1.16
12	Urban	3	474	158	1,801	800	1,327	442	2.21	-0.79	2.16	-0.84
13	Urban	8	385	49	6,308	684	4,843	618	7.46	-0.56	6.05	0.65
14	Urban	4	417	104	2,385	588	1,888	492	3.30	-0.70	3.21	-0.79
15	Rural	5	511	102	3,480	696	2,989	594	4.27	-0.73	4.74	-0.26
16	Rural	4	384	91	2,522	631	2,158	540	3.42	-0.58	3.44	-0.58
17	Urban	4	601	150	2,517	629	1,818	479	3.06	-0.95	3.12	-0.88
18	Urban	3	417	139	1,518	505	1,099	366	2.17	-0.83	1.78	-1.21
19	Urban	14	1,836	117	8,070	648	7,436	531	11.48	-2.52	12.11	-1.89
20	Rural	3	278	93	1,482	494	1,204	401	2.44	-0.56	1.92	-1.08
21	Rural	2	199	100	1,639	820	1,440	720	1.78	-0.24	2.30	0.30
22	Rural	3	380	127	2,795	932	2,415	805	2.89	-0.41	3.05	0.65
23	Urban	5	858	192	5,147	1,029	4,189	838	4.07	-0.93	6.82	1.82
24	Rural	5	489	98	3,655	731	3,168	633	4.33	-0.67	5.06	0.06
25	Rural	4	464	116	2,380	585	1,818	479	3.22	-0.78	3.08	-0.84
26	Rural	5	623	105	2,810	522	2,087	417	4.00	-1.00	3.33	-1.07
27	Rural	4	520	130	2,352	588	1,832	458	3.12	-0.68	2.92	-1.08
28	Rural	2	215	108	1,011	608	788	388	1.67	-0.43	1.27	-0.73
29	Rural	3	329	110	1,231	410	902	301	2.20	-0.60	1.44	-1.68
30	Rural	3	381	120	1,641	547	1,280	427	2.34	-0.66	2.04	-0.86
31	Urban	5	858	132	2,813	583	2,155	431	3.83	-1.17	3.51	-1.49
State		135	14,821	111	83,638	820	68,717	509	110.21	-24.79	110.82	-24.08
Urban		78	9,175	116	48,503	614	38,328	488	63.87	-15.33	64.06	-14.86
Rural		56	5,746	103	35,135	627	28,389	625	48.84	-9.48	48.87	-9.13

NOTES:

- (a) From Table 6.
- (b) Adjusted Concluded Cases / Concluded Cases Per Judge Average for the Circuit in Column 7.
- (c) Difference from Column 3. A negative number indicates that the circuit would need fewer judges to handle the adjusted commenced caseload.
- (d) Adjusted Concluded Cases / Concluded Cases Per Judge Average for Urban or Rural Circuits. Urban = 614 Cases/Judge; Rural = 627 Cases/Judge. See Column 7.

STATE URBAN/RURAL STANDARD

TABLE 11

IMPACT ON CIRCUIT COURT JUDGES - NUMBER OF JUDGES AND COST USING CIRCUIT AND STATE URBAN / RURAL STANDARDS							
1	2	3	4	5	6	7	8
Circuit	Urban/ Rural	Judges 1992	Lost Workload (Total Weighted Family Related Cases to be Transferred to FC (Table 8 Col 8)	Judgeship Reductions According to Circuit Standard	Judgeship Costs for Reductions (\$137,322 Per Judge)	Judgeship Reductions According to State U/R Standard	Judgeship Costs for Reductions (\$137,322 Per Judge)
				CIRCUIT STANDARD		STATE URBAN/RURAL STANDARD	
1	Urban	3	424	.04	\$68,476	0.47	\$64,942
2	Urban	10	1,443	2.84	\$404,318	4.37	\$599,802
3	Urban	4	220	.34	\$47,235	0.09	\$12,404
4	Urban	8	714	1.03	\$224,269	3.75	\$515,348
5	Rural	3	234	.30	\$49,881	0.30	\$41,321
6	Rural	2	189	.29	\$39,156	0.19	\$26,447
7	Urban	4	428	.04	\$87,821	0.34	\$46,408
8	Urban	3	414	.08	\$93,211	0.09	\$95,115
9	Rural	3	342	.43	\$58,845	-0.27	-\$36,771
10	Rural	2	194	.28	\$38,014	0.11	\$14,522
11	Rural	3	152	.35	\$47,808	1.15	\$158,229
12	Urban	3	474	.79	\$108,463	0.84	\$115,218
13	Urban	8	385	.55	\$75,402	-0.05	-\$7,020
14	Urban	4	417	.70	\$86,052	0.78	\$109,154
15	Rural	5	511	.73	\$100,823	0.20	\$36,358
16	Rural	4	384	.58	\$79,170	0.58	\$78,548
17	Urban	4	601	.85	\$131,052	0.88	\$120,685
18	Urban	3	417	.83	\$113,385	1.21	\$166,220
19	Urban	14	1,835	2.52	\$346,802	1.00	\$259,707
20	Rural	3	270	.56	\$77,207	1.00	\$148,204
21	Rural	2	189	.24	\$33,374	-0.30	-\$40,700
22	Rural	3	380	.41	\$56,002	-0.85	-\$116,885
23	Urban	5	858	.83	\$127,852	-1.82	-\$250,174
24	Rural	5	489	.67	\$81,919	-0.05	-\$6,722
25	Rural	4	464	.78	\$107,172	0.84	\$128,737
26	Rural	5	523	1.00	\$137,472	1.07	\$228,433
27	Rural	4	520	.88	\$121,446	1.08	\$148,058
28	Rural	2	215	.43	\$58,540	0.73	\$100,417
29	Rural	3	328	.80	\$110,207	1.58	\$214,483
30	Rural	3	361	.88	\$80,737	0.88	\$131,723
31	Urban	5	858	1.17	\$160,494	1.48	\$204,537
State		135	14,821	24.78	\$3,403,585	24.08	\$3,308,038
Urban		78	9,175	15.33	\$2,104,852	14.85	\$2,052,859
Rural		58	5,746	9.46	\$1,298,733	9.13	\$1,255,379
			<b>WORKLOAD LOST</b>	<b>JUDGESHIP REDUCTION</b>	<b>JUDGESHIP COSTS</b>	<b>JUDGESHIP REDUCTION</b>	<b>JUDGESHIP COSTS</b>

TABLE 12

**IMPACT ON CIRCUIT COURT JUDGES  
JUDICIAL WORKLOAD USING WEIGHTED CASELOAD:  
PERCENT CHANGE IN CASELOAD METHOD**

1	2	3	4	5	6	7	8	9
Circuit	Urban/ Rural	Judges 1992	Total Weighted Family Related Cases (a)	Total Weighted Concluded Cases 1991	Adjusted Concluded Cases (Col 5-Col 4)	Percent Change in Cases	Percent Applied to Number of Judges (b)	Adjusted Number of Judges
1	Urban	3	424	1,876	1,552	-0.21	-0.64	2.38
2	Urban	10	1,443	4,800	3,457	-0.29	-2.84	7.06
3	Urban	4	226	2,628	2,400	-0.09	-0.34	3.86
4	Urban	9	714	3,836	3,222	-0.16	-1.63	7.37
5	Rural	3	234	1,826	1,692	-0.12	-0.36	2.64
6	Rural	2	189	1,327	1,138	-0.14	-0.29	1.71
7	Urban	4	428	2,677	2,248	-0.16	-0.64	3.36
8	Urban	3	414	1,831	1,417	-0.23	-0.68	2.32
9	Rural	3	342	2,391	2,049	-0.14	-0.43	2.57
10	Rural	2	184	1,382	1,188	-0.14	-0.28	1.72
11	Rural	3	162	1,311	1,159	-0.12	-0.36	2.85
12	Urban	3	474	1,801	1,327	-0.26	-0.79	2.21
13	Urban	8	365	5,308	4,843	-0.07	-0.55	7.45
14	Urban	4	417	2,385	1,868	-0.17	-0.70	3.30
15	Rural	5	511	3,480	2,869	-0.16	-0.73	4.27
16	Rural	4	364	2,522	2,158	-0.14	-0.58	3.42
17	Urban	4	801	2,517	1,816	-0.24	-0.95	3.06
18	Urban	3	417	1,516	1,099	-0.28	-0.83	2.17
19	Urban	14	1,635	8,070	7,435	-0.18	-2.52	11.48
20	Rural	3	278	1,482	1,204	-0.19	-0.56	2.44
21	Rural	2	189	1,638	1,440	-0.12	-0.24	1.78
22	Rural	3	380	2,795	2,415	-0.14	-0.41	2.59
23	Urban	5	858	5,147	4,189	-0.19	-0.83	4.07
24	Rural	5	489	3,655	3,166	-0.13	-0.67	4.33
25	Rural	4	464	2,380	1,816	-0.20	-0.78	3.22
26	Rural	5	523	2,510	2,087	-0.20	-1.00	4.00
27	Rural	4	520	2,352	1,832	-0.22	-0.88	3.12
28	Rural	2	215	1,011	796	-0.21	-0.43	1.57
29	Rural	3	329	1,231	802	-0.27	-0.80	2.20
30	Rural	3	351	1,641	1,280	-0.22	-0.66	2.34
31	Urban	5	658	2,813	2,155	-0.23	-1.17	3.63
State		135	14,921	83,638	68,717	-0.18	-24.08	110.21
Urban		79	9,175	48,503	39,328	-0.19	-14.94	63.67
Rural		56	5,746	35,135	29,389	-0.16	-8.16	46.54

**NOTES:**

(a) From Table 6.

(b) Percent change x Column 3. A negative number indicates that the circuit would need fewer judges to handle the adjusted commenced caseload.

Tab 3

**DIVORCE CASES CONCLUDED IN THE CIRCUIT COURTS IN 1991 AND BEING TRANSFERRED TO THE NEW FAMILY COURT JUDGE CASELOAD AND WORKLOAD**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
UNWEIGHTED DIVORCE CASES									WEIGHTED DIVORCE CASES					
Circuit	Urban/ Rural	Judges 1992	Settlement/ Non Suit/ Voluntary Dismissal	Trial Judge	Decree on Deposition	Report by Comm	Other	Total Divorce Concluded	Settlement/ Non Suit/ Voluntary Dismissal	Trial Judge	Decree on Deposition	Report by Comm	Other	Total Weighted Divorce Cases
									Weight = .14	Weight = 1.0	Weight = .25	Weight: 1/2 at .25 1/2 at 1.0	Weight = .14	
1	Urban	3	47	122	1	633	3	806	7	122	0	399	0	528
2	Urban	10	123	152	167	2,341	8	2,791	17	152	43	1,475	1	1,689
3	Urban	4	180		55	315	1	551	25	0	14	195	0	238
4	Urban	8	18			1,172	80	1,270	3	0	0	738	11	752
5	Rural	3	8	1	322	110	8	447	1	1	84	69	1	158
6	Rural	2	11	38	421		3	474	2	39	109	0	0	150
7	Urban	4	80		865		55	1,000	8	0	251	0	0	287
8	Urban	3	28	73	6	487	18	622	4	73	1	313	3	394
9	Rural	3	283	13	608	8	8	898	37	13	158	5	1	214
10	Rural	2	67	8	475	2	4	554	8	8	124	1	1	141
11	Rural	3	103		289		1	403	14	0	78	0	0	82
12	Urban	3	81	8	1,012		18	1,131	13	8	263	0	3	288
13	Urban	8	41	4	887		5	917	8	4	225	0	1	238
14	Urban	4	61		1,048	3	28	1,138	8	0	272	2	4	288
15	Rural	5	18	12	1,089	2	28	1,150	3	12	283	1	4	303
16	Rural	4	88	21	788	15	1	891	12	21	189	8	0	242
17	Urban	4	52	225	1	618		696	7	225	0	369	0	622
18	Urban	3	58	81		450	158	747	8	81	0	284	22	385
19	Urban	14	148	201		2,802	338	3,491	21	201	8	1,765	47	2,035
20	Rural	3	22	48	588	8	23	688	3	48	147	8	3	207
21	Rural	2	14	15	485	4	2	520	2	15	128	3	0	148
22	Rural	3	38	38	694		8	777	5	38	180	0	1	223
23	Urban	5	68	400	771	1	10	1,250	10	400	200	1	1	612
24	Rural	5	54	70	832		22	976	8	70	218	0	3	297
25	Rural	4	112	88	750		12	942	18	88	195	0	2	280
26	Rural	5	32	88	1,183	2	3	1,288	4	88	302	1	0	377
27	Rural	4	60	57	871	23	4	1,115	8	57	252	14	1	333
28	Rural	2	38	12	425	13	7	495	5	12	111	8	1	137
29	Rural	3	42	88	487		8	605	8	88	121	0	1	218
30	Rural	3	52	88	417		2	589	7	88	108	0	0	214
31	Urban	5	41	121		882		1,024	8	121	0	543	0	670
State		135	2,039	2,040	15,638	8,882	887	30,488	285	2,040	4,068	6,228	121	12,738
Urban		79	1,017	1,388	4,690	8,884	723	17,712	142	1,388	1,271	6,107	101	8,010
Rural		56	1,022	652	10,748	188	144	12,754	143	652	2,794	118	20	3,728

TABLE 14

**REINSTATEMENTS CONCLUDED IN THE CIRCUIT COURTS IN 1991 AND BEING TRANSFERRED TO THE NEW FAMILY COURT JUDGE CASELOAD AND WORKLOAD**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Circuit	Urban/ Rural	Judges 1992	UNWEIGHTED OTHER EQUITY CASES						WEIGHTED OTHER EQUITY CASES						ESTIMATE OF WEIGHTED REINSTATEMENTS			
			Settlement/ Non Suit/ Voluntary Dismissal	Trial Judge	Decree on Deposition	Report by Comm	Other	Total Other Equity Concluded	Settlement/ Non Suit/ Voluntary Dismissal	Trial Judge	Decree on Deposition	Report by Comm	Other	Total Weighted Other Equity Cases	Comm. Other Equity 1991	Comm. Reinstata- ments 1991	Ratio of Col 17 to Col 16	Ratio Applied to Weighted Cases = Reinstata- ments
									Weight = .14	Weight = 1.0	Weight = .28	Weight = .26 and 1.0	Weight = .14					
1	Urban	3	113	6		3	123	245	18	6	0	2	17	41	483	48	0.10	4
2	Urban	10	372	202	5	202	220	1,001	52	202	1	127	31	413	1,117	43	0.04	18
3	Urban	4	79					79	11	0	0	0	0	11	148	0	0.00	0
4	Urban	9	68			21	484	583	10	0	0	13	69	92	687	208	0.23	22
5	Rural	3	31	32		31	114	208	4	32	0	20	16	72	310	38	0.12	8
6	Rural	2	73	11		2	8	94	10	11	0	1	1	24	148	3	0.02	0
7	Urban	4	70	37		58		163	10	37	0	35	0	82	267	31	0.12	10
8	Urban	3	46	26		22	283	377	6	26	0	14	40	86	388	104	0.27	23
9	Rural	3	230	48	14	47	102	441	32	48	4	30	14	128	578	87	0.15	18
10	Rural	2	107	20	12	25	81	245	15	20	3	16	11	65	288	13	0.05	3
11	Rural	3	46	6		23	82	139	6	6	0	14	8	38	208	6	0.03	1
12	Urban	3	158	3	11	8	184	362	22	3	3	4	26	58	621	108	0.18	10
13	Urban	6	203	107	15	72	13	410	28	107	4	45	2	187	590	31	0.05	10
14	Urban	4	108	87	3	24	15	247	15	87	1	15	2	130	388	0	0.00	0
15	Rural	5	242	109	9	109	148	615	34	109	2	69	20	234	838	38	0.04	9
16	Rural	4	189	82	28	75	88	471	28	82	8	47	12	177	628	101	0.16	28
17	Urban	4	62	204		81		347	9	204	0	51	0	264	610	158	0.31	62
18	Urban	3	136	83			340	559	19	83	0	0	48	150	523	261	0.48	72
19	Urban	14	484	285		20	468	1,255	68	285	0	13	65	431	2,008	1,058	0.38	163
20	Rural	3	143	61	17	48	177	448	20	61	4	30	25	140	785	111	0.14	20
21	Rural	2	38	21	2	31	105	187	5	21	1	20	15	61	207	58	0.28	17
22	Rural	3	53	82	2	37	184	358	7	82	1	23	28	138	388	40	0.10	14
23	Urban	6	84	348	4	21	172	629	12	348	1	13	24	388	748	265	0.34	78
24	Rural	5	121	122	34	48	237	583	17	122	9	31	33	212	658	53	0.08	17
25	Rural	4	174	83	13	34	140	444	24	83	3	21	20	152	575	85	0.15	12
26	Rural	5	269	138	18	38	83	544	38	138	4	24	12	215	488	26	0.05	11
27	Rural	4	148	131	23	58	228	587	20	131	6	37	32	228	803	128	0.21	47
28	Rural	2	38	82	2	25	45	182	5	82	1	18	5	110	282	43	0.15	17
29	Rural	3	55	82	15	12	33	197	8	82	4	6	5	108	304	18	0.05	8
30	Rural	3	38	122	5	14	23	202	5	122	1	8	3	141	318	8	0.03	4
31	Urban	5	381	144		58	70	653	53	144	0	37	18	244	723	228	0.32	77
State		135	4,387	2,778	231	1,244	4,235	12,853	611	2,778	60	784	593	4,624	17,888	3,372	0.18	668
Urban		78	2,384	1,842	38	588	2,388	8,910	331	1,842	10	388	333	2,585	10,168	2,524	0.25	624
Rural		58	2,003	1,234	183	656	1,855	5,943	280	1,234	50	415	260	2,239	7,718	848	0.11	245



TABLE 15

WEIGHTED CASES TO BE TRANSFERRED TO NEW FAMILY COURT USED IN MEASURING IMPACT ON J&DR JUDICIAL WORKLOAD							
1	2	3	4	5	6	7	8
Circuit	Urban/ Rural	Judges 1992	Total Weighted Divorce Cases	Total Weighted Reinst'ments (Estimated)	Adoptions Weighted Weight = .43	J&DR Appeals	TOTAL Weighted Cases from Circuit
			(From Table 13 Col 15)	(From Table 14 Col 18)	(From Table 4 Col 5)		
1	Urban	3	528	4	21	0	554
2	Urban	10	1,689	16	88	0	1,792
3	Urban	4	238	0	7	0	245
4	Urban	9	752	22	51	0	825
5	Rural	3	156	8	18	0	182
6	Rural	2	150	0	8	0	159
7	Urban	4	267	10	14	0	291
8	Urban	3	394	23	33	0	450
9	Rural	3	214	19	39	0	272
10	Rural	2	141	3	21	0	165
11	Rural	3	92	1	12	0	106
12	Urban	3	288	10	32	0	329
13	Urban	8	236	10	37	0	283
14	Urban	4	286	0	22	0	308
15	Rural	5	303	9	55	0	367
16	Rural	4	242	28	42	0	312
17	Urban	4	622	82	31	0	734
18	Urban	3	395	72	49	0	515
19	Urban	14	2,035	163	111	0	2,308
20	Rural	3	207	20	39	0	266
21	Rural	2	146	17	17	0	180
22	Rural	3	223	14	31	0	269
23	Urban	5	612	136	55	0	803
24	Rural	5	297	17	49	0	363
25	Rural	4	280	22	39	0	342
26	Rural	5	377	11	48	0	436
27	Rural	4	333	47	53	0	434
28	Rural	2	137	17	17	0	171
29	Rural	3	216	6	17	0	239
30	Rural	3	214	4	18	0	236
31	Urban	5	670	77	57	0	804
State		135	12,738	868	1,133	0	14,739
Urban		79	9,382	734	707	0	10,823
Rural		56	4,150	284	610	0	5,044

CASES NOT APPLICABLE

**WEIGHTED CIRCUIT FAMILY RELATED CASES  
CONVERTED TO EQUIVALENT J&DR JUDICIAL WORKLOAD UNITS**

Conversion Factors:  
Urban 4,857/614 = 7.58  
Rural 4,041/627 = 6.45

1	2	3	4	5	6	7	8	9	10	11	12
District	Urban/ Rural	J&DR Judges 1992	J&DR Cases Concluded 1991	J&DR Cases Concluded Per Judge	Circuit Judges 1992	Circuit Weighted Cases Concluded 1991	Weighted Cases Concluded Per Judge	Weighted Cases Transferred from Circuit (Table 15 Col 8)	Conversion Factors Urban 7.58 Rural 6.45	Circuit Cases Converted to Equivalent J&DR Cases	New Total J&DR Concluded Cases
1	Urban	2.00	9,713	4,857	3	1,978	659	554	7.58	4,186	13,909
2	Urban	5.00	25,086	5,017	9	4,606	512	1,685	7.58	12,770	37,856
2A	Rural	0.25	2,608	10,432	1	294	294	108	6.45	694	3,302
3	Urban	2.00	10,058	5,029	4	2,626	657	245	7.58	1,857	11,915
4	Urban	4.00	20,769	5,192	9	3,936	437	825	7.58	6,250	27,019
5	Rural	2.00	6,904	3,452	3	1,926	642	182	6.45	1,177	8,081
6	Rural	2.00	6,100	3,050	2	1,327	664	159	6.45	1,027	7,127
7	Urban	3.00	10,940	3,647	4	2,677	669	291	7.58	2,207	13,147
8	Urban	2.00	8,987	4,494	3	1,831	610	450	7.58	3,415	12,402
9	Rural	2.00	8,308	4,154	3	2,391	797	272	6.45	1,753	10,061
10	Rural	2.00	8,368	4,184	2	1,382	691	165	6.45	1,065	9,433
11	Rural	2.00	6,660	3,330	3	1,311	437	106	6.45	681	7,341
12	Urban	2.00	12,705	6,353	3	1,801	600	329	7.58	2,497	15,202
13	Urban	3.00	13,951	4,650	8	5,308	664	283	7.58	2,142	16,093
14	Urban	2.00	10,658	5,329	4	2,385	596	308	7.58	2,333	12,991
15	Rural	4.00	17,418	4,355	5	3,480	696	367	6.45	2,364	19,782
16	Rural	2.00	11,206	5,603	4	2,522	631	312	6.45	2,013	13,219
17	Urban	2.00	5,100	2,550	4	2,517	629	734	7.58	5,564	10,664
18	Urban	1.00	4,922	4,922	3	1,516	505	515	7.58	3,907	8,829
19	Urban	5.00	20,485	4,097	14	9,070	648	2,308	7.58	17,493	37,978
20	Rural	2.00	5,882	2,841	3	1,482	494	266	6.45	1,714	7,396
21	Rural	1.00	6,239	6,239	2	1,639	820	160	6.45	1,163	7,402
22	Rural	2.00	10,204	5,102	3	2,795	832	269	6.45	1,734	11,938
23	Urban	3.00	13,431	4,477	5	5,147	1,029	803	7.58	6,090	19,521
24	Rural	3.00	12,777	4,259	5	3,655	731	363	6.45	2,343	15,120
25	Rural	3.00	11,629	3,876	4	2,380	595	342	6.45	2,203	13,832
26	Rural	2.00	10,326	5,163	5	2,610	522	436	6.45	2,809	13,135
27	Rural	3.00	10,384	3,461	4	2,352	566	434	6.45	2,797	13,181
28	Rural	2.00	6,010	3,005	2	1,011	506	171	6.45	1,100	7,110
29	Rural	2.00	7,173	3,587	3	1,231	410	239	6.45	1,545	8,718
30	Rural	2.00	6,582	3,291	3	1,641	547	236	6.45	1,519	8,101
31	Urban	3.00	14,800	4,933	5	2,813	563	804	7.58	6,096	20,896
State		77.25	336,183	4,352	135	83,638	620	14,739	7.02	106,519	442,702
Urban		39.00	181,605	4,657	79	48,209	614	12,153	7.58	76,817	258,422
Rural		38.25	154,578	4,041	56	35,429	627	6,357	6.45	29,702	184,280

**IMPACT ON J&DR DISTRICT COURT JUDGES  
JUDICIAL WORKLOAD USING WEIGHTED AND CONVERTED CASELOAD: AVERAGE CASELOAD PER JUDGE  
METHOD USING DISTRICT AND STATE URBAN / RURAL STANDARDS**

1	2	3	4	5	6	7	8	9	10	11
			J&DR	J&DR	Weighted and	New	Judges	Change in	Judges	Change in
District	Urban/ Rural	J&DR Judges 1992	Total Cases Concluded 1991	Total Cases Concluded Per Judge	Converted Cases from Circuit	Total J&DR Concluded Cases	Required to Maintain Dist Avg (Col 8) (Col 7/Col 5) DISTRICT STANDARD (Col 8)	Number of Judges Required (Col 8-Col 3)	Required to Maintain U/R Average Col 8-bottom STATE U/R STANDARD	Number of Judges Required (Col 10-Col 3)
					FROM TABLE 18 Col 11 & 12)					
1	Urban	2.00	9,713	4,857	4,198	13,909	2.86	0.86	2.99	0.99
2	Urban	5.00	25,086	5,017	12,770	37,856	7.55	2.55	8.13	3.13
2A	Rural	0.25	2,608	10,432	694	3,302	0.32	0.07	0.82	0.57
3	Urban	2.00	10,058	5,029	1,857	11,915	2.37	0.37	2.56	0.56
4	Urban	4.00	20,769	5,192	6,250	27,019	5.20	1.20	5.80	1.80
5	Rural	2.00	6,904	3,452	1,177	8,081	2.34	0.34	2.00	0.00
6	Rural	2.00	6,100	3,050	1,027	7,127	2.34	0.34	1.76	-0.24
7	Urban	3.00	10,940	3,647	2,207	13,147	3.61	0.61	2.82	-0.18
8	Urban	2.00	8,987	4,494	3,415	12,402	2.76	0.76	2.66	0.66
9	Rural	2.00	8,308	4,154	1,753	10,061	2.42	0.42	2.49	0.49
10	Rural	2.00	6,368	4,184	1,065	8,433	2.25	0.25	2.33	0.33
11	Rural	2.00	6,660	3,330	681	7,341	2.20	0.20	1.82	-0.18
12	Urban	2.00	12,705	6,353	2,497	15,202	2.39	0.39	3.26	1.26
13	Urban	3.00	13,951	4,650	2,142	16,093	3.46	0.46	3.46	0.46
14	Urban	2.00	10,658	5,329	2,333	12,991	2.44	0.44	2.79	0.79
15	Rural	4.00	17,418	4,355	2,364	19,782	4.54	0.54	4.90	0.90
16	Rural	2.00	11,206	5,603	2,013	13,219	2.36	0.36	3.27	1.27
17	Urban	2.00	5,100	2,550	5,564	10,664	4.18	2.18	2.29	0.29
18	Urban	1.00	4,922	4,922	3,907	8,829	1.79	0.79	1.90	0.90
19	Urban	5.00	20,485	4,097	17,493	37,978	8.27	4.27	8.16	3.16
20	Rural	2.00	5,682	2,841	1,714	7,396	2.60	0.60	1.83	-0.17
21	Rural	1.00	6,239	6,239	1,163	7,402	1.19	0.19	1.63	0.63
22	Rural	2.00	10,204	5,102	1,734	11,938	2.34	0.34	2.95	0.95
23	Urban	3.00	13,431	4,477	6,090	19,521	4.36	1.36	4.19	1.19
24	Rural	3.00	12,777	4,259	2,343	15,120	3.55	0.55	3.74	0.74
25	Rural	3.00	11,629	3,876	2,203	13,832	3.57	0.57	3.42	0.42
26	Rural	2.00	10,326	5,163	2,809	13,135	2.64	0.54	3.25	1.25
27	Rural	3.00	10,384	3,461	2,797	13,181	3.81	0.81	3.26	0.26
28	Rural	2.00	6,010	3,005	1,100	7,110	2.37	0.37	1.76	-0.24
29	Rural	2.00	7,173	3,587	1,545	8,718	2.43	0.43	2.16	0.16
30	Rural	2.00	6,582	3,291	1,519	8,101	2.46	0.46	2.00	0.00
31	Urban	3.00	14,800	4,933	6,096	20,896	4.24	1.24	4.49	1.49
State		77.25	336,183	4,352	106,519	442,702	102.12	24.87	101.10	23.85
Urban		39.00	181,605	4,857	76,817	258,422	56.48	17.48	55.50	16.50
Rural		38.25	154,578	4,041	29,702	184,280	45.64	7.39	45.60	7.35

TABLE 18

IMPACT ON J&DR DISTRICT COURT JUDGES - NUMBER OF JUDGES AND COST USING DISTRICT AND STATE URBAN / RURAL STANDARDS							
1	2	3	4	5	6	7	8
District	Urban/ Rural	Judges 1992	Additional Workload (Weighted and Converted Cases) from Circuit (From Table 16 Col 11)	Additional Judgeships Required According to District Standard	Judgeship Costs (\$126,771 Per Judge)	Additional Judgeships Required According to State U/R Standard	Judgeship Costs (\$126,771 Per Judge)
				DISTRICT STANDARD	STATE URBAN/RURAL STANDARD		
1	Urban	2.00	4,196	.66	\$106,659	0.66	\$26,001
2	Urban	6.00	12,770	2.65	\$320,100	3.13	\$393,605
2A	Rural	0.25	694	.07	\$8,362	0.57	\$71,308
3	Urban	2.00	1,657	.37	\$46,443	0.50	\$70,278
4	Urban	4.00	6,250	1.20	\$151,401	1.60	\$226,636
5	Rural	2.00	1,177	.34	\$42,888	0.00	-\$43
6	Rural	2.00	1,027	.34	\$42,343	-0.24	-\$29,742
7	Urban	3.00	2,207	.81	\$76,114	-0.16	-\$22,222
8	Urban	2.00	3,416	.76	\$95,677	0.66	\$83,423
9	Rural	2.00	1,753	.42	\$53,079	0.49	\$61,677
10	Rural	2.00	1,065	.26	\$32,006	0.33	\$42,021
11	Rural	2.00	681	.20	\$25,730	-0.16	-\$23,069
12	Urban	2.00	2,497	.39	\$49,438	1.26	\$159,059
13	Urban	3.00	2,142	.46	\$57,822	0.46	\$57,342
14	Urban	2.00	2,333	.44	\$55,063	0.79	\$99,341
15	Rural	4.00	2,364	.54	\$68,282	0.60	\$112,570
16	Rural	2.00	2,013	.36	\$45,191	1.27	\$159,664
17	Urban	2.00	6,664	2.18	\$274,443	0.28	\$36,488
18	Urban	1.00	3,907	.78	\$99,847	0.60	\$112,709
19	Urban	5.00	17,493	4.27	\$537,014	3.16	\$396,921
20	Rural	2.00	1,714	.60	\$75,899	-0.17	-\$21,351
21	Rural	1.00	1,163	.18	\$23,440	0.63	\$104,686
22	Rural	2.00	1,734	.34	\$42,753	0.65	\$120,000
23	Urban	3.00	6,090	1.36	\$171,091	1.19	\$149,937
24	Rural	3.00	2,343	.55	\$69,194	0.74	\$93,252
25	Rural	3.00	2,203	.57	\$71,466	0.42	\$53,173
26	Rural	2.00	2,609	.54	\$68,434	1.25	\$157,251
27	Rural	3.00	2,797	.91	\$101,627	0.26	\$32,699
28	Rural	2.00	1,100	.37	\$46,058	-0.24	-\$30,252
29	Rural	2.00	1,645	.43	\$54,164	0.16	\$19,764
30	Rural	2.00	1,518	.46	\$58,055	0.00	\$79
31	Urban	3.00	6,096	1.24	\$155,413	1.49	\$197,079
State		77.25	106,519	24.87	\$3,127,514	23.65	\$2,999,176
Urban		39.00	76,817	17.48	\$2,198,520	18.50	\$2,074,781
Rural		38.25	29,702	7.39	\$928,994	7.36	\$924,384
			<b>ADDITIONAL WORKLOAD</b>	<b>ADDITIONAL JUDGESHIPS</b>	<b>ADDITIONAL COSTS</b>	<b>ADDITIONAL JUDGESHIPS</b>	<b>ADDITIONAL COSTS</b>

TABLE 19

<b>SUMMARY OF IMPACT ON NUMBER OF JUDGES AND COSTS CIRCUIT AND J&amp;DR DISTRICT COURTS USING THE CIRCUIT / DISTRICT STANDARDS</b>						
1	2	3	4	5	6	7
Circuit/ District	New Judgeship Request Rec by	New Judgeship Request Rec by	Judges Lost from Circuit Court	Cost Reductions in Circuits	Judges Added to J&DR Court	Cost Increases in J&DR Courts
	JC (Circuit)	CDC (District)	( From TABLE 10) <b>CIRCUIT STANDARD</b>		( From TABLE 17) <b>DISTRICT STANDARD</b>	
1			0.64	\$88,475	.86	\$108,659
2			2.94	\$404,318	2.55	\$320,106
2A					.07	\$8,362
3			0.34	\$47,235	.37	\$46,443
4			1.63	\$224,269	1.20	\$151,401
5			0.36	\$49,981	.34	\$42,888
6			0.29	\$39,156	.34	\$42,343
7			0.64	\$87,921	.61	\$76,114
8			0.68	\$93,211	.76	\$95,577
9	Yes		0.43	\$58,945	.42	\$53,079
10	Yes		0.28	\$38,614	.25	\$32,006
11			0.35	\$47,908	.20	\$25,730
12	Yes	Yes	.79	\$108,463	.39	\$49,438
13		Yes	0.55	\$75,462	.46	\$57,922
14			0.70	\$96,052	.44	\$55,063
15			0.73	\$100,823	.54	\$68,282
16		Yes	0.58	\$79,170	.36	\$45,191
17			0.95	\$131,052	2.18	\$274,443
18			0.83	\$113,385	.79	\$99,847
19	Yes	Yes	2.52	\$346,662	4.27	\$537,014
20			0.56	\$77,267	.60	\$75,899
21			0.24	\$33,374	.19	\$23,440
22			0.41	\$56,002	.34	\$42,753
23			0.93	\$127,852	1.36	\$171,081
24			0.67	\$91,919	.55	\$69,194
25			0.78	\$107,172	.57	\$71,488
26			1.00	\$137,472	.54	\$68,434
27			0.88	\$121,446	.81	\$101,627
28			0.43	\$58,540	.37	\$46,058
29			0.80	\$110,207	.43	\$54,164
30			0.66	\$90,737	.46	\$58,055
31		Yes	1.17	\$160,494	1.24	\$155,413
State			24.79	\$3,403,585	24.87	\$3,127,514
Urban			15.33	\$2,104,852	17.48	\$2,198,520
Rural			9.46	\$1,298,733	7.39	\$928,994

TABLE 20

SUMMARY OF IMPACT ON NUMBER OF JUDGES AND COSTS CIRCUIT AND J&DR DISTRICT COURTS USING THE STATE URBAN / RURAL STANDARDS						
1	2	3	4	5	6	7
Circuit/ District	New Judgeship Request Rec by JC (Circuit)	New Judgeship Request Rec by CDC (District)	Judges Lost from Circuit Court	Cost Reductions in Circuits	Judges Added to J&DR Court	Cost Increases in J&DR Courts
			( From TABLE 10) STATE U/R STANDARD		( From TABLE 17) STATE U/R STANDARD	
1			0.47	\$64,942	.99	\$26,601
2			4.37	\$599,992	3.13	\$393,605
2A	-		-	-	.57	\$71,308
3			0.09	\$12,484	.56	\$70,278
4			3.75	\$515,346	1.80	\$226,696
5			0.30	\$41,321	.00	-\$43
6			0.19	\$25,447	-.24	-\$29,742
7			0.34	\$46,406	-.18	-\$22,222
8			0.69	\$95,115	.66	\$83,423
9	Yes		-0.27	-\$36,771	.49	\$61,577
10	Yes		0.11	\$14,522	.33	\$42,021
11			1.15	\$158,229	-.18	-\$23,069
12	Yes	Yes	0.84	\$115,218	1.26	\$159,059
13		Yes	-0.05	-\$7,020	.46	\$57,342
14			0.79	\$109,154	.79	\$99,341
15			0.26	\$36,358	.90	\$112,570
16		Yes	0.56	\$76,546	1.27	\$159,864
17			0.88	\$120,665	.29	\$36,496
18			1.21	\$166,228	.90	\$112,709
19	Yes	Yes	1.89	\$259,767	3.16	\$396,921
20			1.08	\$148,264	-.17	-\$21,351
21			-0.30	-\$40,700	.83	\$104,585
22			-0.85	-\$116,965	.95	\$120,000
23			-1.82	-\$250,174	1.19	\$149,937
24			-0.05	-\$6,722	.74	\$93,252
25			0.94	\$129,737	.42	\$53,173
26			1.67	\$229,433	1.25	\$157,251
27			1.08	\$148,058	.26	\$32,899
28			0.73	\$100,417	-.24	-\$30,252
29			1.56	\$214,483	.16	\$19,764
30			0.96	\$131,723	.00	\$579
31		Yes	1.49	\$204,537	1.49	\$187,079
State			24.08	\$3,306,038	23.85	\$2,999,176
Urban			14.95	\$2,052,659	16.50	\$2,074,791
Rural			9.13	\$1,253,379	7.35	\$924,384

TABLE 21

IMPACT ON NUMBER OF CIRCUIT AND J&DR JUDGES USING THE  
CIRCUIT / DISTRICT STANDARD

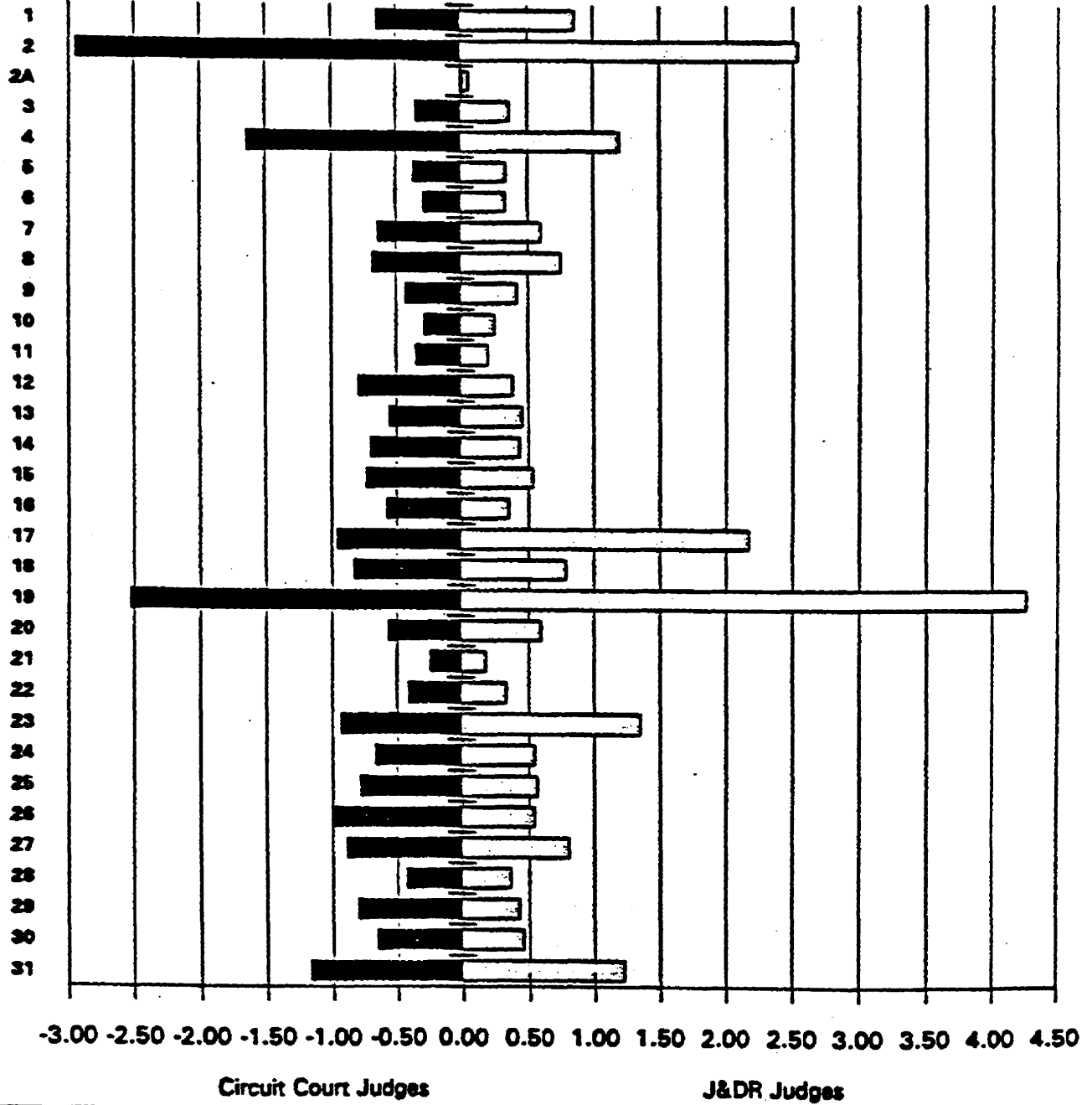


TABLE 22

IMPACT ON NUMBER OF CIRCUIT AND J&DR JUDGES USING THE STATE URBAN / RURAL STANDARDS

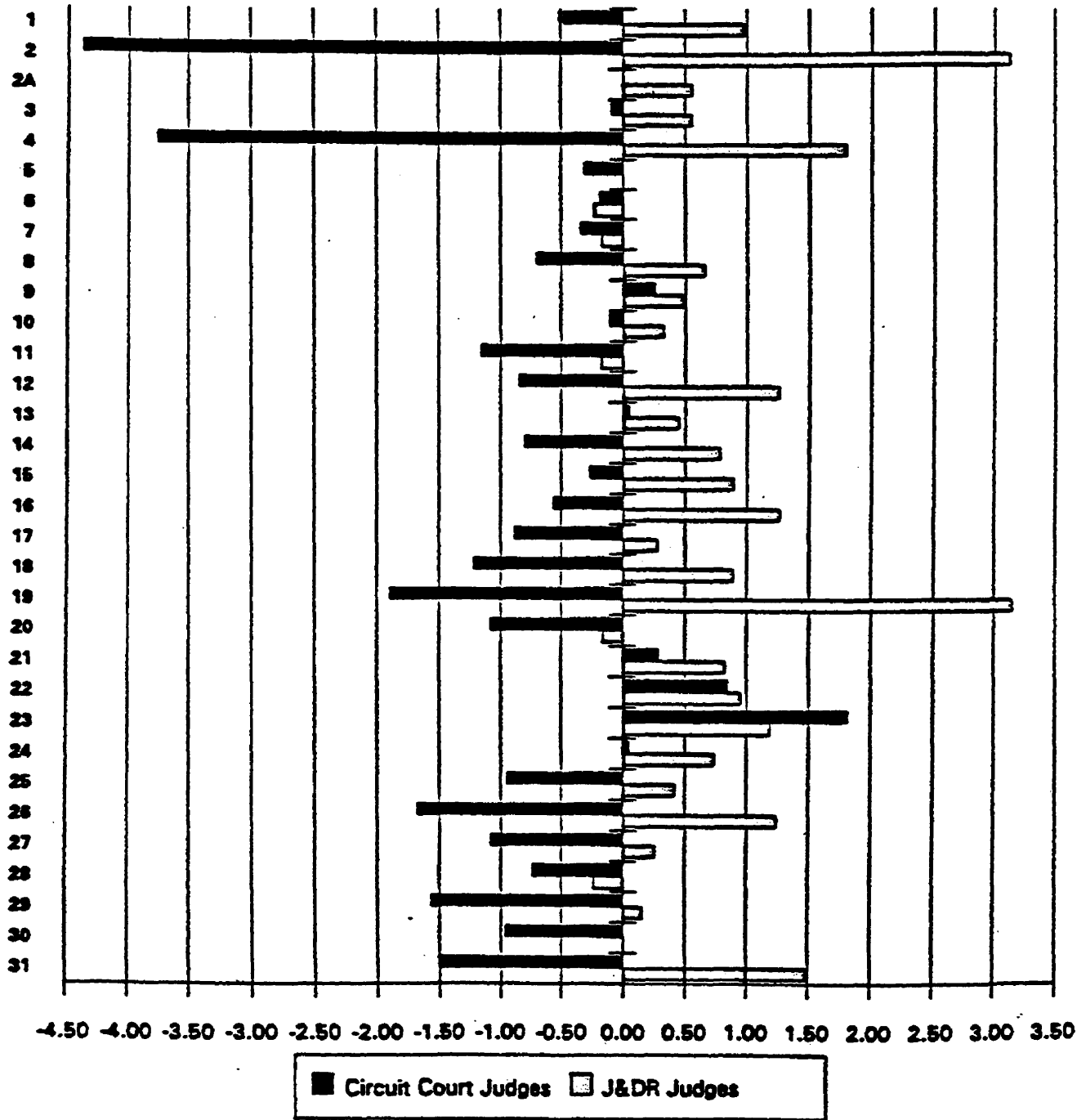




TABLE 23

<b>DISTRIBUTION BY CIRCUIT OF LOST JUDGESHIPS</b>					
<b>USING CIRCUIT STANDARD (From Table 10 Col 11)</b>			<b>USING STATE URBAN/RURAL STANDARD (From Table 10 Col 13)</b>		
<b>Circuit</b>	<b>Judgeships</b>	<b>Rounded</b>	<b>Circuit</b>	<b>Judgeships</b>	<b>Rounded</b>
2	2.94	3	2	4.37	4
4	1.63	2	4	3.75	4
17	0.95	1	18	1.21	1
*19	2.52	3	*19	1.89	2
23	0.93	1	20	1.08	1
26	1.00	1	23	1.82	2
31	1.17	1	25	.94	1
<b>Total</b>	<b>11.14</b>	<b>12</b>	26	1.67	2
<b>All Others</b>	<b>13.65</b>	<b>14</b>	27	1.08	1
<b>TOTAL</b>	<b>24.79</b>	<b>26</b>	29	1.56	2
			30	.96	1
			31	1.49	1
			<b>Total</b>	<b>21.82</b>	<b>22</b>
			<b>All Others</b>	<b>2.26</b>	<b>2</b>
			<b>TOTAL</b>	<b>24.08</b>	<b>24</b>

- The Judicial Council recommends that one additional judgeship be granted in the 19th Circuit, as well as in the 9th, 10th, and 12th Circuits.

TABLE 24

<b>DISTRIBUTION BY DISTRICT OF ADDITIONAL J&amp;DR DISTRICT COURT JUDGESHIPS USING DISTRICT STANDARD FROM TABLE 17</b>						
<b>REGULAR JUDGESHIPS</b>			<b>AT LARGE JUDGESHIPS</b>			
<b>District</b>	<b>Judges</b>	<b>Rounded</b>	<b>District</b>	<b>Judges</b>	<b>Totals</b>	<b>Rounded</b>
1	0.86	1	2	.55		
2	2.00	2	2A	.07	.62	1
4	1.20	1	3	.37		
			5	.34	.71	1
			7	.61		
			8	.76	1.37	1
			6	.34		
			9	.42	.76	1
			10	.25		
			11	.20	.45	1
			*12	.39		
			*13	.46	.85	1
			14	.44		
			15	.54	.98	1
17	2.18	2	*16	.36		
18	0.79	1	20	.60	.96	1
*19	4.27	4	21	.19		
			22	.34		
			24	.55	1.08	1
			25	.57		
23	1.36	1	26	.54	1.11	1
			27	.81		
			28	.37	1.18	1
			29	.43		
*31	1.24	1	30	.46	.89	1
<b>Totals</b>	<b>13.90</b>	<b>13.00</b>		<b>10.96</b>	<b>10.96</b>	<b>12.00</b>
<b>Grand Totals</b>			<b>Exact =</b>	<b>24.87</b>	<b>Rounded =</b>	<b>25.00</b>

\* The CDC recommends one additional judgeship be created in these districts.

TABLE 25

<b>DISTRIBUTION BY DISTRICT OF ADDITIONAL J&amp;DR DISTRICT COURT JUDGESHIPS USING STATE URBAN/RURAL STANDARD FROM TABLE 17</b>						
<b>REGULAR JUDGESHIPS</b>			<b>AT LARGE JUDGESHIPS</b>			
District	Judges	Rounded	District	Judges	Totals	Rounded
1	0.99	1				
2	3.13	3	2A	.57		
			3	.56		
			5	.00	1.13	1
4	1.80	2				
			7	-.18		
			8	.66	.48	1
			6	-.24		
			9	.49		
			10	.33		
			11	-.18	.40	1
*12	1.26	1	*13	.46		
15	0.90	1	14	.79	1.25	1
16	1.27	1	17	.29		
			18	.90		
*19	3.16	3	20	-.17	1.02	1
21	0.83	1	24	.74		
22	0.95	1	25	.42	1.16	1
23	1.19	1	27	.26		
			28	-.24		
			29	.16		
26	1.25	1	30	.00	.18	0
*31	1.49	1		5.62	5.62	6
<b>Totals</b>	<b>18.22</b>	<b>17</b>	<b>Exact =</b>	<b>23.85</b>	<b>Rounded =</b>	<b>23.00</b>
<b>Grand Totals</b>						

\* The CDC recommends one additional judgeship be created in these districts.

TABLE 26

<b>JUDGESHIP COSTS</b>			
		<b>CIRCUIT</b>	<b>DISTRICT</b>
SALARY		\$82,564	\$83,307
RETIREMENT		\$28,074	\$26,167
GROUP LIFE		\$809	\$728
FICA BASE	\$55,500	\$4,246	\$4,246
FICA SUPP-CIR	\$37,064	\$537	
FICA SUPP-DIST	\$27,807		\$403
HEALTH		\$3,888	\$3,888
CLERK HIRE		\$1,500	\$0
PERSONAL COMPUTER		\$2,500	\$2,500
SUB/RET JUDGES:			
CIRCUIT AVG. EXP. PER JUDGE		\$2,203	
DIST. AVG. EXP. PER JUDGE			\$4,532
<b>TOTAL</b>		<b>\$137,322</b>	<b>\$125,771</b>

**IMPACT ON THE NUMBER AND COSTS  
OF CLERICAL PERSONNEL**

TABLE 27

<b>CIRCUIT CLERKS OF COURT FTE POSITIONS AND COSTS</b>		
<b>Source: Compensation Board, 7/1/92.</b>		
<b>1</b>	<b>2</b>	<b>3</b>
		<b>Current FTE Positions</b>
		<b>(Excluding Constitutional</b>
<b>Circuit</b>	<b>Court</b>	<b>Officer)</b>
<b>1</b>	<b>Chesapeake</b>	<b>25.00</b>
	<b>Circuit Total</b>	<b>25.00</b>
<b>2</b>	<b>Virginia Beach</b>	<b>29.00</b>
<b>2A</b>	<b>Accomack</b>	<b>6.00</b>
<b>2A</b>	<b>Northampton</b>	<b>3.00</b>
	<b>Circuit Total</b>	<b>48.00</b>
<b>3</b>	<b>Portsmouth</b>	<b>22.00</b>
	<b>Circuit Total</b>	<b>22.00</b>
<b>4</b>	<b>Norfolk</b>	<b>42.00</b>
	<b>Circuit Total</b>	<b>42.00</b>
<b>5</b>	<b>Isle of Wight</b>	<b>4.00</b>
<b>5</b>	<b>Southampton</b>	<b>4.00</b>
<b>5</b>	<b>Suffolk</b>	<b>9.00</b>
	<b>Circuit Total</b>	<b>17.00</b>
<b>6</b>	<b>Brunswick</b>	<b>3.00</b>
<b>6</b>	<b>Greenville</b>	<b>4.00</b>
<b>6</b>	<b>Hopewell</b>	<b>4.00</b>
<b>6</b>	<b>Prince George</b>	<b>4.00</b>
<b>6</b>	<b>Surry</b>	<b>2.00</b>
<b>6</b>	<b>Sussex</b>	<b>3.00</b>
	<b>Circuit Total</b>	<b>20.00</b>
<b>7</b>	<b>Newport News</b>	<b>22.00</b>
	<b>Circuit Total</b>	<b>22.00</b>
<b>8</b>	<b>Hampton</b>	<b>20.00</b>
	<b>Circuit Total</b>	<b>20.00</b>
<b>9</b>	<b>Charles City</b>	<b>3.00</b>
<b>9</b>	<b>Gloucester</b>	<b>5.00</b>
<b>9</b>	<b>James City</b>	<b>9.00</b>
<b>9</b>	<b>King &amp; Queen</b>	<b>2.00</b>
<b>9</b>	<b>King William</b>	<b>3.00</b>
<b>9</b>	<b>Mathews</b>	<b>3.00</b>
<b>9</b>	<b>Middlesex</b>	<b>3.00</b>
<b>9</b>	<b>New Kent</b>	<b>2.00</b>
<b>9</b>	<b>York</b>	<b>7.00</b>
	<b>Circuit Total</b>	<b>37.00</b>

TABLE 27

10	Appomattox	3.00
10	Buckingham	3.00
10	Charlotte	3.00
10	Cumberland	3.00
10	Halifax	6.00
10	Lunenburg	3.00
10	Mecklenburg	5.00
10	Prince Edward	4.00
	<b>Circuit Total</b>	<b>30.00</b>
11	Amelia	3.00
11	Dinwiddie	3.00
11	Nottoway	3.00
11	Petersburg	9.00
11	Powhatan	3.00
	<b>Circuit Total</b>	<b>21.00</b>
12	Chesterfield	22.00
12	Colonial Heights	3.00
	<b>Circuit Total</b>	<b>25.00</b>
13	Richmond	41.00
	<b>Circuit Total</b>	<b>41.00</b>
14	Henrico	28.00
	<b>Circuit Total</b>	<b>28.00</b>
15	Caroline	4.00
15	Essex	3.00
15	Fredericksburg	4.00
15	Hanover	9.00
15	King George	3.00
15	Lancaster	3.00
15	Northumberland	3.00
15	Richmond	2.00
15	Spotsylvania	10.00
15	Stafford	7.00
15	Westmoreland	3.00
	<b>Circuit Total</b>	<b>51.00</b>
16	Albemarle	9.00
16	Charlottesville	7.00
16	Culpeper	6.00
16	Fuvanna	3.00
16	Goochland	4.00
16	Greene	2.00
16	Louis	5.00
16	Madison	3.00
16	Orange	4.00
	<b>Circuit Total</b>	<b>43.00</b>
17	Arlington	24.00
	<b>Circuit Total</b>	<b>24.00</b>
18	Alexandria	20.00
	<b>Circuit Total</b>	<b>20.00</b>

TABLE 27

19	Fairfax	89.00
	Circuit Total	89.00
20	Fauquier	10.00
20	Loudoun	16.00
20	Rappahannock	2.00
	Circuit Total	28.00
21	Henry	10.00
21	Martinsville	6.00
21	Patrick	4.00
	Circuit Total	20.00
22	Denver	10.00
22	Franklin County	8.00
22	Pittsylvania	9.00
	Circuit Total	27.00
23	Roanoke City	21.00
23	Roanoke County	10.00
23	Salem	5.00
	Circuit Total	36.00
24	Amherst	5.00
24	Bedford City	8.00
24	Campbell	5.00
24	Lynchburg	11.00
24	Nelson	4.00
	Circuit Total	33.00
25	Allegheny	5.00
25	Augusta	9.00
25	Bath	3.00
25	Botetourt	6.00
25	Buena Vista	2.00
25	Clifton Forge	2.00
25	Craig	2.00
25	Highland	2.00
25	Rockbridge	5.00
25	Staunton	4.00
25	Waynesboro	3.00
	Circuit Total	43.00
26	Clarke	3.00
26	Frederick	6.00
26	Page	5.00
26	Rockingham/	8.00
26	Shenandoah	5.00
26	Warren	6.00
26	Winchester	5.00
	Circuit Total	38.00



TABLE 27

27	Bland	3.00
27	Carroll	5.00
27	Floyd	3.00
27	Giles	4.00
27	Grayson	4.00
27	Montgomery	8.00
27	Pulaski	6.00
27	Radford	2.00
27	Wythe	5.00
	<b>Circuit Total</b>	<b>41.00</b>
28	Bristol	5.00
28	Smyth	5.00
28	Washington	7.00
	<b>Circuit Total</b>	<b>17.00</b>
29	Buchanan	8.00
29	Dickenson	4.00
29	Russell	4.00
29	Tazewell	6.00
	<b>Circuit Total</b>	<b>22.00</b>
30	Lee	5.00
30	Scott	4.00
30	Wise	8.00
	<b>Circuit Total</b>	<b>17.00</b>
31	Prince William	45.00
	<b>Circuit Total</b>	<b>45.00</b>
State	<b>GRAND TOTAL</b>	<b>992</b>

TABLE 28

## Number of Clerk of Court Positions Based on Staffing Standards

<u>Service Category</u>	<u>Number of FTEs*</u>	<u>Percentage</u>	Used in Impact Study:
			<u>CASE Processing</u>
Court Administration	271.0	25.9%	25.30
Land and Property Records	225.1	21.0	
Office Administration	108.2	10.1	5.25
Courtroom Work	105.4	9.9	9.90
Bookkeeping	80.3	7.5	3.75
Wills, Estates, and Fiduciaries	76.6	7.2	
Microfilming	60.7	5.7	2.85
State Licenses	52.7	4.9	
Genealogical Research	40.0	3.7	
Business Records	34.2	3.2	
Elections Work	7.6	0.7	
Military Records	6.8	0.6	
Local Board of Supervisors	2.2	0.2	
<b>TOTAL STATEWIDE STAFFING DERIVED FROM STANDARDS</b>	<b>1,070.8</b>	<b>100.0 %</b>	<b>47.05</b>
<b>COMPENSATION-BOARD RECOGNIZED POSITIONS, FY 1990</b>	<b>1,009.8 **</b>		
<b>CURRENT POSITIONS, STATE AND LOCAL</b>	<b>1,073.3</b>		
<b>POSITIONS OFFICERS WANT</b>	<b>1,159.9 ***</b>		

\*Data include the principal officers.

\*\*Data include recognized positions for FY 1990 and the conversion of temporary funds to FTE positions.

\*\*\*Data based on current State and local positions plus additional positions identified by the offices responding to the JLARC survey.

Source: JLARC staff analysis of staffing data.

TABLE 29

IMPACT ON CIRCUIT COURT CLERKS - NUMBER OF CLERKS AND COSTS USING CONVERTED CURRENT CASELOAD PER FTE STANDARD							
1	2	3	4	5	6	7	8
	Total	Total	Total	Converted	Cases	Positions Required	Costs
	Circuit	Concluded	Unweighted	FTE Positions	Concluded Per	to Handle Lost	of These
	FTE	Cases	Family Related	Using JLARC	Converted	Family Cases (Col 4)	Required
Circuit	Positions	1991	Cases Lost	Percent Figure	FTE	at the Level of Col 6	Positions
	(Table 27)		(Table 5 Col 8)	(Col 2x.4708)	(Col 3/Col 5)	(FTEs Freed Up)	(1 = \$27,549)
						(Col 4 / Col 6)	
1	25.00	5,085	908	13.20	384	2.38	\$65,047
2	48.00	13,924	3260	25.34	549	5.93	\$163,469
3	22.00	5,244	625	11.62	451	1.38	\$38,143
4	42.00	13,889	1,703	22.18	626	2.72	\$74,918
5	17.00	4,617	592	8.98	514	1.15	\$31,730
6	20.00	2,521	525	10.56	239	2.20	\$60,611
7	22.00	6,370	1,272	11.62	548	2.32	\$63,891
8	20.00	5,140	889	10.56	487	1.83	\$50,314
9	37.00	5,999	1,129	19.54	307	3.88	\$101,325
10	30.00	3,849	645	15.84	243	2.85	\$73,118
11	21.00	3,268	482	11.09	295	1.84	\$45,099
12	25.00	6,268	1,414	13.20	475	2.98	\$82,017
13	41.00	14,418	1,108	21.65	866	1.66	\$45,828
14	28.00	6,141	1,297	14.78	415	3.12	\$85,994
15	51.00	7,761	1,446	26.93	288	5.02	\$138,262
16	43.00	5,823	1,122	22.70	256	4.37	\$120,473
17	24.00	5,560	1,098	12.67	439	2.50	\$68,968
18	20.00	4,637	1,141	10.56	439	2.60	\$71,590
19	89.00	19,466	4,238	46.99	414	10.23	\$281,857
20	28.00	4,505	837	14.78	305	2.75	\$75,694
21	20.00	4,501	637	10.56	426	1.50	\$41,200
22	27.00	6,038	999	14.26	424	2.36	\$65,010
23	36.00	8,621	1,752	19.01	454	3.86	\$106,400
24	33.00	7,127	1,265	17.42	409	3.09	\$85,194
25	43.00	5,833	1,222	22.70	257	4.76	\$131,021
26	38.00	7,288	1,496	20.06	363	4.12	\$113,426
27	41.00	6,771	1,461	21.65	313	4.67	\$128,684
28	17.00	2,657	613	8.98	296	2.07	\$57,018
29	22.00	3,305	746	11.62	285	2.62	\$72,239
30	17.00	4,120	742	8.98	459	1.82	\$44,534
31	45.00	6,689	1,433	23.76	282	5.09	\$140,224
State	992.00	207,415	38,096	523.78	396	96.20	\$2,723,300
Urban	445.00	107,543	20,432	234.96	458	45.87	\$1,263,744
Rural	547.00	99,872	17,664	288.82	348	50.33	\$1,459,556

P  
E  
R  
F  
T  
E  
S  
T  
A  
N  
D  
A  
R  
D

TABLE 30

UNWEIGHTED CASES TO BE TRANSFERRED TO J&DR DISTRICT COURTS USED IN MEASURING IMPACT ON J&DR CLERKS WORKLOAD								Conversion Factors: Urban 928 / 458 = 2.03 Rural 793 / 346 = 2.29	
1	2	3	4	5	6	7	8	9	10
District	Urban/ Rural	Current J&DR FTE Positions	J&DR Total Cases Concluded 1991	J&DR Cases Per J&DR FTE Position (Col 4/Col 3)	Circuit Total Cases Concluded 1991	Circuit Cases Per Circuit FTE Position (Table 29)	Conversion Factor Urban 2.03 Rural 2.29	Unweighted Family Related Cases from Circuit (Excl JDR App)	Cases to be Transferred to J&DR (Col 8 & Col 9)
1	Urban	11.00	9,713	883	5,065	384	2.03	880	1,787
2	Urban	24.50	25,088	1,024	13,120	627	2.03	2,851	5,788
2A	Rural	3.90	2,608	669	804	33	2.29	182	417
3	Urban	8.00	10,058	1,257	5,244	451	2.03	567	1,151
4	Urban	18.00	20,769	1,154	13,889	826	2.03	1,525	3,096
5	Rural	8.10	6,904	852	4,617	514	2.29	513	1,176
6	Rural	10.50	6,100	581	2,521	239	2.29	495	1,134
7	Urban	12.90	10,940	848	6,370	548	2.03	1,133	2,300
8	Urban	9.80	8,987	917	5,140	487	2.03	802	1,628
9	Rural	10.20	8,308	815	5,999	307	2.29	1,055	2,417
10	Rural	10.10	8,368	829	3,849	243	2.29	615	1,408
11	Rural	12.40	6,660	537	3,268	295	2.29	435	997
12	Urban	12.90	12,705	985	6,288	475	2.03	1,269	2,575
13	Urban	17.00	13,951	821	14,418	686	2.03	1,025	2,081
14	Urban	10.00	10,658	1,066	6,141	415	2.03	1,187	2,409
15	Rural	19.90	17,418	875	7,761	288	2.29	1,300	2,978
16	Rural	12.70	11,208	882	5,823	256	2.29	1,064	2,436
17	Urban	8.40	5,100	607	5,560	439	2.03	1,074	2,181
18	Urban	6.00	4,922	820	4,637	438	2.03	1,129	2,292
19	Urban	25.60	20,485	800	19,466	414	2.03	4,222	8,571
20	Rural	6.70	5,882	848	4,505	305	2.29	821	1,881
21	Rural	7.00	6,239	891	4,501	426	2.29	615	1,409
22	Rural	10.80	10,204	945	6,038	424	2.29	887	2,032
23	Urban	15.60	13,431	861	8,621	454	2.03	1,595	3,237
24	Rural	16.10	12,777	794	7,127	409	2.29	1,138	2,606
25	Rural	15.60	11,829	745	5,833	257	2.29	1,098	2,514
26	Rural	11.80	10,326	875	7,288	363	2.29	1,408	3,223
27	Rural	15.00	10,384	692	6,771	313	2.29	1,366	3,128
28	Rural	5.50	6,010	1,093	2,657	296	2.29	664	1,291
29	Rural	8.90	7,173	725	3,305	285	2.29	656	1,502
30	Rural	8.70	6,582	757	4,120	459	2.29	616	1,411
31	Urban	16.00	14,800	925	6,889	282	2.03	1,364	2,769
State		390.60	336,183	861	207,415	396	2.17	35,453	75,825
Urban		195.70	181,605	928	120,628	458	2.03		
Rural		194.90	154,578	793	86,787	346	2.29		

**IMPACT ON J&DR DISTRICT COURT CLERKS - NUMBER OF CLERKS AND COSTS USING QUARTILE AND DISTRICT CASES PER FTE STANDARDS**

1	2	3	4	5	6	7	8	9	10	11	12																																				
	J&DR FTE	J&DR Cases	Current Cases Per FTE	Total Cases from Circuit (Table 30)	New Total J&DR Cases (Col 3 + Col 5)	Cases Per FTE with Current Staff	Staff Required to Maintain 3rd Quartile (Col 8/1002)	Change in Number of FTEs	Change in Employee Costs	Additional FTEs Required to Maintain Current Cases/FTE (Col 8/Col 4)	Change in Employee Costs																																				
District	Positions 1991	Concluded 1991																																													
							<b>THIRD QUARTILE STANDARDS (1,0002 CASES)</b>			<b>DISTRICT STANDARDS (Col 8)</b>																																					
1	11.00	9,713	883	1,787	11,600	1,045	11.48	0.48	\$8,209	2.02	\$34,843																																				
2	24.50	25,088	1,024	6,788	30,874	1,260	30.81	6.31	\$108,708	6.05	\$97,347																																				
2A	3.90	2,608	669	417	3,025	776	3.02	-0.88	-\$15,175	0.82	\$10,733																																				
3	8.00	10,058	1,257	1,151	11,209	1,401	11.18	3.18	\$54,878	0.82	\$15,768																																				
4	18.00	20,788	1,154	3,098	23,885	1,328	23.82	5.82	\$100,178	2.88	\$48,208																																				
5	8.10	8,904	852	1,178	8,088	898	8.08	-0.04	-\$828	1.38	\$23,754																																				
6	10.50	8,100	681	1,134	7,234	689	7.22	-3.28	-\$58,488	1.85	\$33,815																																				
7	12.90	10,840	848	2,300	13,240	1,028	13.21	0.31	\$5,392	2.71	\$48,693																																				
8	9.80	8,987	817	1,828	10,815	1,083	10.89	0.78	\$13,689	1.78	\$30,570																																				
9	10.20	8,308	815	2,417	10,725	1,051	10.70	0.50	\$8,870	2.87	\$51,097																																				
10	10.10	8,388	828	1,408	8,778	868	8.78	-0.34	-\$8,812	1.70	\$29,288																																				
11	12.40	8,680	637	897	7,857	818	7.84	-4.78	-\$81,833	1.88	\$31,874																																				
12	12.90	12,705	885	2,575	15,280	1,185	15.25	2.35	\$40,488	2.81	\$45,030																																				
13	17.00	13,851	821	2,081	18,032	843	18.00	-1.00	-\$17,228	2.54	\$43,858																																				
14	10.00	10,658	1,088	2,408	13,067	1,307	13.04	3.04	\$52,381	2.28	\$38,818																																				
15	19.80	17,418	875	2,978	20,398	1,025	20.38	0.48	\$7,842	3.40	\$58,590																																				
16	12.70	11,208	882	2,438	13,642	1,074	13.81	0.81	\$15,745	2.78	\$47,532																																				
17	8.40	6,100	607	2,181	7,281	887	7.27	-1.13	-\$23,138	3.58	\$73,328																																				
18	8.00	4,822	820	2,282	7,214	1,202	7.20	1.20	\$24,487	2.78	\$87,032																																				
19	25.80	20,485	800	8,571	28,058	1,135	28.00	3.40	\$88,358	10.71	\$218,835																																				
20	8.70	6,882	848	1,881	7,583	1,129	7.58	0.85	\$17,301	2.22	\$45,288																																				
21	7.00	6,238	891	1,488	7,848	1,093	7.83	0.83	\$10,802	1.58	\$27,228																																				
22	10.80	10,204	845	2,032	12,238	1,133	12.21	1.41	\$24,313	2.15	\$37,040																																				
23	15.80	13,431	881	3,237	18,668	1,088	18.83	1.03	\$17,822	3.78	\$84,747																																				
24	16.10	12,777	784	2,808	15,383	855	15.38	-0.75	-\$12,878	3.28	\$58,542																																				
25	15.80	11,828	745	2,514	14,143	807	14.11	-1.48	-\$25,573	3.37	\$58,077																																				
26	11.80	10,328	875	3,223	13,548	1,148	13.52	1.72	\$28,857	3.88	\$83,428																																				
27	15.00	10,384	882	3,128	13,512	801	13.48	-1.51	-\$28,085	4.52	\$77,812																																				
28	5.50	8,010	1,093	1,281	7,301	1,327	7.28	1.78	\$30,758	1.18	\$20,341																																				
29	8.80	7,173	725	1,502	8,875	878	8.88	-1.24	-\$21,388	2.07	\$35,707																																				
30	8.70	8,582	757	1,411	7,893	818	7.88	-0.72	-\$12,455	1.88	\$32,188																																				
31	18.00	14,800	825	2,788	17,588	1,098	17.83	1.53	\$31,307	2.88	\$81,188																																				
State	380.80	338,183	881	75,825	412,008	1,055	411.18	20.58	\$373,148	89.58	\$1,813,982																																				
<table border="1"> <tr> <th colspan="2">1991 Cases per Employee Range</th> <th>New Cases</th> </tr> <tr> <td>High</td> <td></td> <td>1,330</td> </tr> <tr> <td>Third</td> <td></td> <td>1,002</td> </tr> <tr> <td>Median</td> <td></td> <td>824</td> </tr> <tr> <td>First</td> <td></td> <td>631</td> </tr> <tr> <td>Low</td> <td></td> <td>358</td> </tr> </table>												1991 Cases per Employee Range		New Cases	High		1,330	Third		1,002	Median		824	First		631	Low		358																		
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Northern VA Grade 7, Step 1 plus \$2,438 benefits						830,412																																									

**IMPACT ON THE NUMBER AND COSTS  
OF COURT SERVICE UNIT MEDIATORS**

TABLE 32

IMPACT ON COURT SERVICE UNIT MEDIATORS NUMBER OF MEDIATORS AND COST ASSUMING 28% OF DIVORCE CASES GO TO MEDIATION				
1	2	3	4	5
Circuit	Total	Estimate of	Number of	Cost
	Concluded	Contested	Mediators	of Required
	Divorce	Divorce	Required	Mediators
	(Less Purged)	Cases	at 125 Cases	
	1991	(Col 2 x .28)	Per Year	
			(Col 3/125)	
1	806	226	1.81	\$69,690
2	2,791	781	6.25	\$241,321
3	551	154	1.23	\$47,642
4	1,270	356	2.84	\$109,809
5	447	125	1.00	\$38,649
6	474	133	1.06	\$40,984
7	1,080	302	2.42	\$93,381
8	622	174	1.39	\$53,781
9	898	251	2.01	\$77,645
10	554	155	1.24	\$47,901
11	403	113	0.90	\$34,845
12	1,131	317	2.53	\$97,791
13	917	257	2.05	\$79,287
14	1,136	318	2.54	\$98,223
15	1,150	322	2.58	\$99,434
16	891	249	2.00	\$77,039
17	896	251	2.01	\$94,855
18	747	209	1.67	\$79,081
19	3,491	977	7.82	\$369,573
20	668	187	1.50	\$70,718
21	520	146	1.16	\$44,961
22	777	218	1.74	\$67,183
23	1,250	350	2.80	\$108,080
24	978	274	2.19	\$84,562
25	942	264	2.11	\$81,449
26	1,268	355	2.84	\$109,636
27	1,115	312	2.50	\$96,407
28	495	139	1.11	\$42,800
29	605	169	1.36	\$52,311
30	569	159	1.27	\$49,198
31	1,024	287	2.29	\$108,405
State	30,466	8,530	68.24	\$2,766,641
Mediators' Cost (DYFS)		A study conducted in Fairfax Circuit Court indicated that		
Statewide	\$38,600	28% of divorce cases are contested.		
Northern Va.	\$47,261			

TABLE 33

<b>IMPACT ON COURT SERVICE UNIT MEDIATORS</b>				
<b>NUMBER OF MEDIATORS AND COST</b>				
<b>ASSUMING 12.3% OF DIVORCE CASES GO TO MEDIATION</b>				
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Circuit</b>	<b>Total</b>	<b>Estimate of</b>	<b>Number of</b>	<b>Cost</b>
	<b>Concluded</b>	<b>Contested</b>	<b>Mediators</b>	<b>of Required</b>
	<b>Divorce</b>	<b>Divorce</b>	<b>Required</b>	<b>Mediators</b>
	<b>(Less Purged)</b>	<b>Cases</b>	<b>at 125 Cases</b>	
	<b>1991</b>	<b>(Col 2 x .123)</b>	<b>Per Year</b>	
		<b>(See Note Below)</b>	<b>(Col 3/125)</b>	<b>(See Below)</b>
1	806	99	0.79	\$30,614
2	2,791	343	2.75	\$106,009
3	551	68	0.54	\$20,928
4	1,270	156	1.25	\$48,238
5	447	55	0.44	\$16,978
6	474	58	0.47	\$18,004
7	1,080	133	1.06	\$41,021
8	622	77	0.61	\$23,625
9	898	110	0.88	\$34,108
10	554	68	0.55	\$21,042
11	403	50	0.40	\$15,307
12	1,131	139	1.11	\$42,958
13	917	113	0.90	\$34,830
14	1,136	140	1.12	\$43,148
15	1,150	141	1.13	\$43,680
16	891	110	0.88	\$33,842
17	896	110	0.88	\$41,668
18	747	92	0.74	\$34,739
19	3,491	429	3.44	\$162,348
20	668	82	0.66	\$31,065
21	520	64	0.51	\$19,751
22	777	96	0.76	\$29,512
23	1,250	154	1.23	\$47,478
24	978	120	0.96	\$37,147
25	842	116	0.93	\$35,779
26	1,268	156	1.25	\$48,162
27	1,115	137	1.10	\$42,350
28	495	61	0.49	\$18,801
29	605	74	0.60	\$22,979
30	569	70	0.56	\$21,612
31	1,024	126	1.01	\$47,621
<b>State</b>	<b>30,466</b>	<b>3,747</b>	<b>29.98</b>	<b>\$1,215,346</b>
<b>Mediators' Cost (DYFS)</b>	<b>According to a random sample of cases in Virginia Beach Circuit Court</b>			
<b>Statewide</b>	<b>\$38,600</b>	<b>in October, 1992, 12.3% of divorce cases were contested, 83.8% were</b>		
<b>Northern V</b>	<b>\$47,261</b>	<b>uncontested, and 3.9% were settled or dismissed.</b>		



# SUMMARY OF IMPACTS

## CIRCUIT COURT JUDGESHIPS

	Using Circuit Standard	Using State Urban / Rural Standard
Number of Judgeships Avoided	24.79	24.08
Cost Avoidance	\$3,403,585	\$3,306,038

See Table 11.

## J&DR DISTRICT COURT JUDGESHIPS

	Using District Standard	Using State Urban / Rural Standard
Number of Additional Judgeships Needed	24.87	23.85
Cost Avoidance	\$3,127,514	\$2,999,176

See Table 17.

## CIRCUIT COURT CLERKS

	Using Circuit Standard
Number of Clerks Avoided	96.20
Cost Avoidance	\$2,723,300

See Table 29.

## J&DR DISTRICT COURT CLERKS

	Using the Personnel Third Quartile Standard	Using District Standard
Number of Additional Clerks Needed	20.59	89.59
Cost Increase	\$373,146	\$1,613,992

See Table 31.

## COURT SERVICE UNIT MEDIATORS

	Assuming 125 Cases Per Year Per Mediator	
	Assuming 28% of Divorce Cases Are Contested and Go To Mediation	Assuming 12.3% of Divorce Cases Are Contested and Go To Mediation
Number of Additional Mediators Needed	68.24	29.98
Cost Increase	\$2,766,641	\$1,215,346

See Tables 32 and 33.

**REVENUE PROJECTIONS FOR  
PROPOSED INCREASES IN FILING FEES**

TABLE 34

**DISTRICT COURT FILING FEES AND REVENUE PROJECTIONS  
FOR PROCESSING FEE INCREASES OF \$1, \$2, AND \$3**

Case Type	Cases 1991	Processing Fee	DEJF Fee	CHMF Fee	Other Fees	Total Add Ons	Processing Fee Revenues 1991
District Criminal	471,250	\$22.00	\$2.00	\$2.00		\$4.00	\$5,696,407
District Traffic	1,633,440	\$22.00	\$2.00	\$2.00		\$4.00	\$19,744,804
District Civil	1,108,129	\$12.00		\$2.00	\$2 (Law Lib)	\$6.00	\$9,814,830
<b>Total</b>	<b>3,212,819</b>		Other Additional Fees		\$2 (Leg Aid)		<b>\$35,256,041</b>

**PROJECTIONS OF REVENUE GENERATED BY INCREASING PROCESSING FEES BY \$1**

Fiscal Year	Criminal Cases		Traffic Cases		Civil Cases		TOTAL
	Cases Percent Change	Additional Revenue	Cases Percent Change	Additional Revenue	Cases Percent Change	Additional Revenue	Additional Revenue
FY 92	5.65%	\$300,901	4.72%	\$1,033,803	5.74%	\$1,037,773	\$2,372,477
FY 93	3.70%	\$312,020	4.04%	\$1,075,565	6.56%	\$1,105,873	\$2,493,457
FY 94	3.25%	\$322,153	3.61%	\$1,114,434	6.22%	\$1,174,615	\$2,611,202
FY 95	3.00%	\$331,804	3.79%	\$1,156,618	5.91%	\$1,243,991	\$2,732,413
FY 96	2.99%	\$341,741	3.23%	\$1,193,928	5.48%	\$1,312,144	\$2,847,813

**PROJECTIONS OF REVENUE GENERATED BY INCREASING PROCESSING FEES BY \$2**

Fiscal Year	Criminal Cases		Traffic Cases		Civil Cases		TOTAL
	Cases Percent Change	Additional Revenue	Cases Percent Change	Additional Revenue	Cases Percent Change	Additional Revenue	Additional Revenue
FY 92	5.65%	\$601,802	4.72%	\$2,067,605	5.74%	\$2,075,546	\$4,744,953
FY 93	3.70%	\$624,039	4.04%	\$2,151,129	6.56%	\$2,211,746	\$4,986,915
FY 94	3.25%	\$644,306	3.61%	\$2,228,668	6.22%	\$2,349,230	\$5,222,404
FY 95	3.00%	\$663,607	3.79%	\$2,313,237	5.91%	\$2,487,982	\$5,464,826
FY 96	2.99%	\$683,481	3.23%	\$2,387,856	5.48%	\$2,624,289	\$5,695,626

TABLE 34 (Continued)

PROJECTIONS OF REVENUE GENERATED BY INCREASING PROCESSING FEES BY \$3							
Fiscal Year	Criminal Cases		Traffic Cases		Civil Cases		TOTAL
	Cases Percent Change	Additional Revenue	Cases Percent Change	Additional Revenue	Cases Percent Change	Additional Revenue	Additional Revenue
FY 92	5.65%	\$902,703	4.72%	\$3,101,408	5.74%	\$3,113,319	\$7,117,430
FY 93	3.70%	\$936,059	4.04%	\$3,226,694	6.56%	\$3,317,620	\$7,480,372
FY 94	3.25%	\$968,459	3.61%	\$3,343,302	6.22%	\$3,523,844	\$7,833,605
FY 95	3.00%	\$995,411	3.79%	\$3,469,855	5.91%	\$3,731,974	\$8,197,239
FY 96	2.99%	\$1,025,222	3.23%	\$3,581,784	5.48%	\$3,936,433	\$8,543,440

REVIEW OF REVENUE PROJECTIONS			
Fiscal Year	\$1 Increase	\$2 Increase	\$3 Increase
	Additional Revenue	Additional Revenue	Additional Revenue
FY 92	\$2,372,477	\$4,744,953	\$7,117,430
FY 93	\$2,493,457	\$4,986,915	\$7,480,372
FY 94	\$2,611,202	\$5,222,404	\$7,833,605
FY 95	\$2,732,413	\$5,464,826	\$8,197,239
FY 96	\$2,847,813	\$5,695,626	\$8,543,440