

Superior Court of Arizona In Maricopa County



**Norman J. Davis
Family Court Presiding
Judge**

The Maricopa Model

The Maricopa Model - August 2004 – December 2006

The Maricopa Model is a differentiated case management plan that employs early active Judicial management, a focus on final resolution, required litigant preparation for conferences, targeted use of ancillary referrals, early firm trial dates, and user-friendly processes to uniformly manage and resolve every category of case that has common characteristics.

Our view of a comprehensive case management system is that it must provide efficient and clear procedures for every case filed in the Family Court system. Accordingly, the Maricopa Model is a comprehensive uniform case management plan that necessarily includes the development of numerous programs.

The Maricopa Model addresses every case category:

- 1) Uncontested Pre Decree Matters
- 2) Contested Self – Represented Matters
- 3) Contested Matters with Attorney Representation
- 4) Post Decree and Post Judgment Matters

Fortunately, development of the Maricopa Model coincided with the drafting and adoption of new statewide *Arizona Rules of Family Law Procedure* by the Arizona Supreme Court. The statewide rules replaced the Rules of Civil Procedure that were previously used to resolve Family Law matters. The new Family Law Procedures provide the structure needed to effectively manage and resolve Family Law matters.

Uncontested Pre Decree Matters

Approximately 23% of pre decree family court cases are terminated by dismissal for lack of service or for lack of prosecution and 45% are terminated by default or consent decree. Together these cases constitute a significant number of Family Court cases.

Dismissal for Lack of Service or Prosecution

In order to timely dismiss the cases where there is no service, a computer system was developed that automatically searches each case for proof of service at 60 days after the case initiation. If proof of service is not found, the program generates a dismissal warning notice that is mailed to litigants. The computer searches the case again at 120 days. If service still is not completed, an Order of Dismissal is generated and mailed to the litigants. The case is automatically dismissed.

In addition, the computer system conducts a comprehensive search of every case at 180 days to determine if there are any hearings scheduled or motions

pending. If there are none, a Notice of Intent to Dismiss for Lack of Prosecution along with instructions on how to avoid dismissal is generated and mailed to the parties. The computer searches the case again 60 days after the Notice of Intent was generated and if the parties have not filed a motion, the program generates an Order of Dismissal. These automated systems identify cases that are ready for dismissal at the earliest possible date, automatically generates warning notices without staff review, generates dismissal orders and terminates the case. In addition to being efficient, this process allows litigants who have reconciled a quick way to exit the court system.

Default and Consent Decrees

The Decree on Demand program was designed and implemented to expedite and simplify all matters involving a default or consent decree.

The Decree on Demand program allows litigants who are ready to proceed by default or consent decree to simply call a dedicated phone line (602-372-3332) at the Court or set a hearing via the internet (www.eCourt.maricopa.gov/dod). The litigant requests the hearing date and time they want, including the very next day. A brief telephone (or computer prompted interview when scheduling the matter over the internet) interview is conducted by staff to verify that the necessary documents have been filed and critical time periods have expired. The interview is also used to identify cases in which interpreters are needed. If all documents have been filed and statutory and regulatory time periods have been met, the litigant is told to report to the courthouse and go to the “decree on demand room” before entering the Courtroom on the date/time they have chosen for their hearing.

Staff in the default room conduct a file review, review the final paperwork, identify possible deficiencies, assist the litigant in correcting any deficiencies that can be cured with the forms available on the Court’s website, and calculate child support using the Court’s calculator before sending the litigant to the Courtroom for hearing with a Commissioner. The litigants are typically at court for about one hour or less and leave the courthouse with a signed final decree.

Default on Demand is a dramatic and innovative change that has reduced unnecessary bureaucratic delay at a very stressful time in the lives of 30% of all of the pre decree litigants from an average of ninety days to one day. It gives people who cannot afford attorneys help in properly filling out the forms that are needed to finalize their case.

Contested Self-Represented Matters

Early Resolution Triage Program

In Maricopa County, a significant number of Family Court litigants are self-represented and it is necessary to have the court actively manage these matters so that they will move toward resolution. Accordingly, all contested cases involving two self-represented litigants are settled or initially managed in an early intervention program known as the Early Resolution Conference (ERC). Once a case becomes contested by the filing of a Response, the matter is automatically set for an ERC by the Court. The parties receive a Notice to Appear for the ERC that includes the date and time of the conference. When the parties arrive for the ERC they meet for a two-hour conference with an Attorney Case Manager (ACM). The ACM is trained to mediate and conduct settlement conferences in Family Court.

At the ERC, one of three possible outcomes is accomplished: 1) The case is fully resolved with a final Consent Decree that is prepared, signed and forwarded to a Court Commissioner for immediate signature. The parties leave the courthouse with a signed copy of their final decree. 2) The parties reach a final partial agreement that is memorialized in a written agreement and filed in the case. A brief trial is set before the Judge to hear and decide the unresolved issues. The parties are given a Notice of Trial Setting together with a Notice of Trial Requirements that details what is required to prepare for the trial. 3) The parties do not reach agreement and a trial before a Judge is scheduled. The parties are given a Notice of Trial Setting together with a Notice of Trial Requirements that details what is required to prepare for the trial.

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

Contested Matters with Attorney Representation

Uniform Case Management

The contested Family Court matters that have attorneys representing one or both parties are directly managed and resolved by the assigned judicial officer. The assigned judge is ultimately responsible for all cases assigned to him or her, hears all motions, petitions for temporary orders, petitions for emergency orders, conducts trials not resolved by the Early Resolution Conference Program, and determines all other matters and issues not resolved elsewhere. Currently, each division is provided a monthly "Cal Acti" Report listing all active pre decree and pre judgment cases assigned to that division that have been pending for 6 months or longer. Each division has developed a consistent and detailed

procedure to review its case inventory to ensure that every case is promptly resolved and/or terminated.

Family Court Uniform Case Management Plan requires judicial officers to intervene early in every case to conduct a meaningful resolution conference with the parties to settle as many issues as possible on a final basis, to manage all necessary pre-trial activity, to enter or schedule hearings on temporary orders, and to schedule a trial date in every case. All but the most complex cases require no more than two court appearances for the litigants. The first court involvement is a comprehensive resolution and management conference, and, the second time, if necessary, is a trial.

Resolution Management Conference (RMC): All contested matters are set for a thirty minute Resolution Management Conference by minute entry or Order to Appear as soon as any request for any type of hearing is made or as soon as a response is filed. At that RMC the Judge reduces any agreements to orders, sets deadlines for the litigants to obtain the services that are needed before the case can be tried, and sets a date for the next hearing. These conferences resolve conflict and empower families to make decisions about their future.

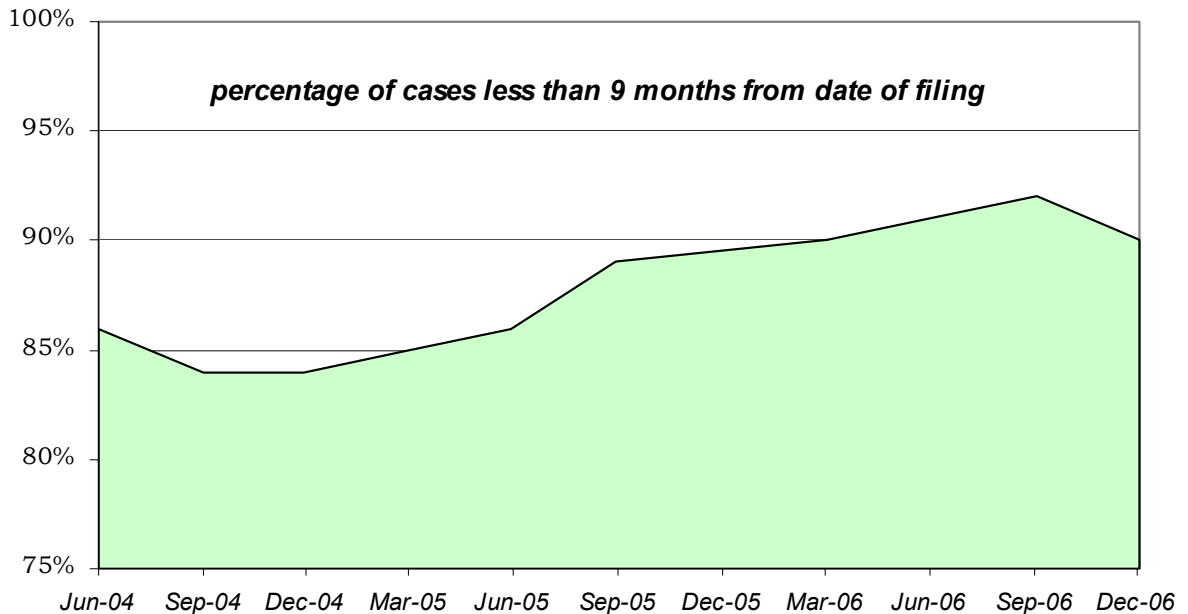
Before the RMC the litigants must 1) Meet and confer with the other party (unless an Order of Protection is in place) to discuss settlement in advance of the RMC, or alternatively, to appear at the courthouse one hour prior to the scheduled RMC to do so; 2) Complete a Resolution Statement in the court-approved form to submit to the court and exchange a copy with the opposing party prior to the RMC that simply states the position of each party on each issue without supporting arguments or reasons in support of the position. By requiring the parties to take reasonable positions early in the case without inflammatory comments and argument, the issues are better framed for resolution, and the prospects for early settlement are improved. We also expect the parties and their attorneys to go as far as they can toward resolution themselves by meeting and conferring prior to court intervention. Requiring disclosure requirements to be completed prior the RMC also fosters settlements because both sides should have the information to enter into informed agreements, and the court can proceed at the RMC to facilitate settlements without the parties needing continuances to simply complete disclosure requirements.

The RMC can result in a full agreement and the assigned Judge will enter a final decree. If a partial agreement or if no settlement is reached, the Judge shifts the RMC to pre-trial management and, if requested, the resolution of temporary orders.

A firm trial date is scheduled to resolve contested issues in every case (with rare exceptions) at the RMC. Trials are scheduled to resolve all issues in a case.

Additionally, the Uniform Case Management Plan includes a firm no trial continuance policy, requires all Temporary Orders to be heard within 30 days, and affirms all scheduled trials and hearings when a case is transferred to another division by reason of recusal or a notice of change of judge.

Family Court Case Aging (pre-decree pending inventory)



Post Decree and Post Judgment Matters

Post Decree Specialty Courts

Child Support Modification Court, Child Support Establishment Court, Support Enforcement Court, Support Non-compliance Court, Parenting Time Enforcement Court, and Order of Assignment Court were developed to address the majority of the post decree matters. These courts are designed to expedite the resolution of single issue matters such as a petition to enforce parenting time, a petition to enforce support, or a petition to modify support. For litigants who seek one of these remedies, the matter is scheduled into a post decree specialty court.

Upon filing of the petition, the litigant is directed to obtain an Order to Appear from the Family Court Conference Center. The Order to Appear must be served upon the other party. The litigants appear at court at the date and time outlined on the Order to Appear and meet with a Conference Officer for approximately one hour. The Conference Officer assists the litigants in reaching an agreement

or if no agreement is reached, directs the litigants to the courtroom for an evidentiary hearing before a judicial officer.

If an agreement is reached, a Stipulation and Order are prepared and the matter concluded by the Judicial Officer, who immediately reviews and signs the Order. If any issue is disputed, the Conference Officer simply saves the child support worksheet on a shared computer drive and sends the litigants to a Judicial Officer for hearing on the disputed issues. Once inside the courtroom, the Judicial Officer pulls the information off of the computer shared drive and proceeds with the evidentiary hearing. Litigants come to Court for only one conference/hearing, and they leave with a final order. The program has an extremely high agreement rate.

Complex or multiple issue post decree matters are heard by the assigned Judge and initiated by an Order to Appear. A post decree or post judgment management conference is generally referred to as a return hearing. This conference serves the same purposes as the Resolution Management Conference with the pre decree petition. The post decree or post judgment petition is typically limited to seeking modification or enforcement of several orders in the original decree or judgment. The return hearing is used to explore final settlement of the issues, manage the case, make targeted referrals to ancillary services, if necessary, and schedule an appropriate evidentiary hearing to conclude the matter. As with pre decree petitions, the court conducts all activity that is necessary at one return hearing to prevent the cost and frustration to the parties inherent in conducting unnecessary additional hearings.

Other enhancements:

eCALC (DCSE Web-based calculator)

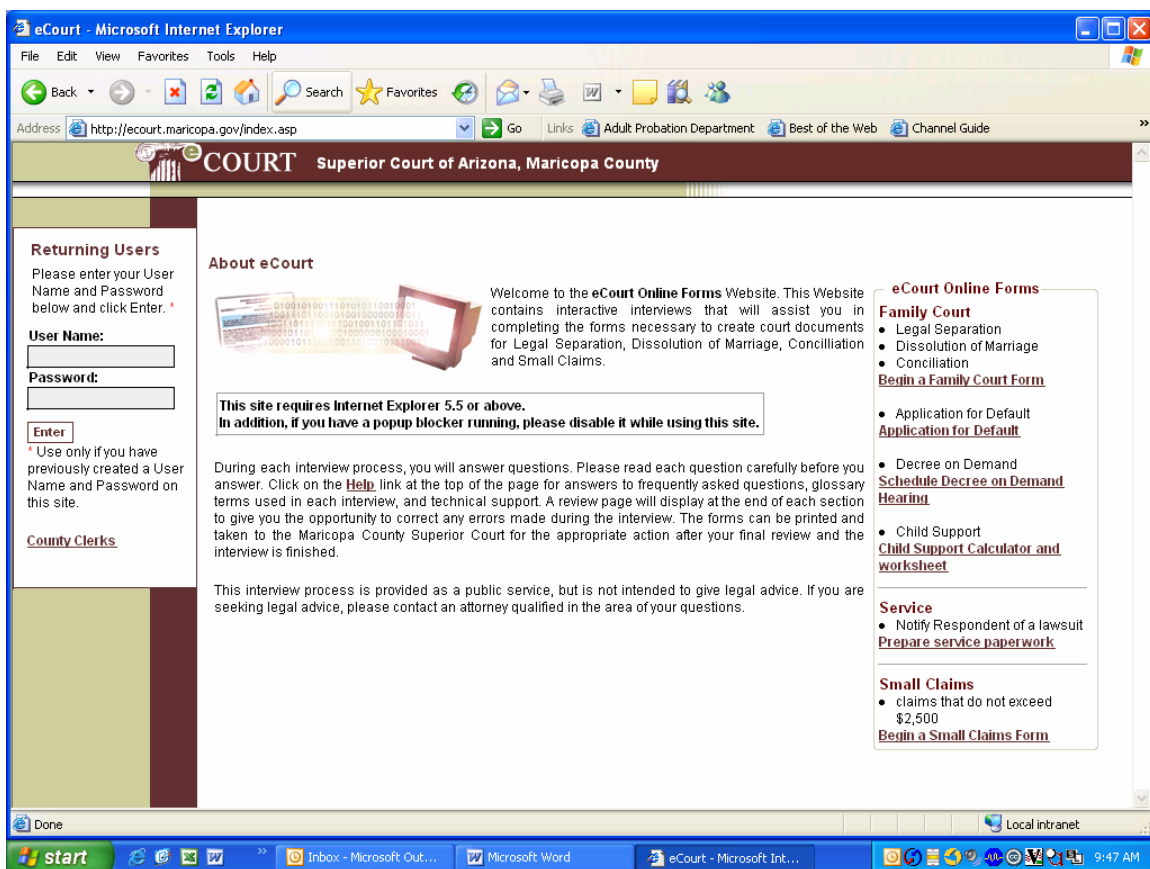
The State Department of Child Support Enforcement (DCSE) has maintained computerized records of child support payments ordered by Superior Courts throughout the State of Arizona. Early in 2004 Judge Davis urged the Automation Funding Workgroup of the Child Support Committee to spearhead the creation of a web-based real time arrearage calculator to be housed at the Department of Child Support Enforcement. All users of the child support system can obtain a current status of any child support account paid through the DCSE Clearinghouse much in the same manner that a credit card or bank account can be accessed online. The Superior Court continued to collaborate with DCSE, the Administrative Office of the Courts, the Automation Funding Workgroup, the Legislative and the Child Support Committee to make this project a reality.

eCOURT

cCourt was designed to help the Court's many pro per litigants correctly prepare paperwork for their cases. It is a user friendly, interactive website in which

litigants prepare all of the forms necessary to obtain a separation or divorce. This project has taken our Self Service Center to the next generation and has undertaken the enormous task of converting the Court Self Service forms to an interactive, prompted, web-based application. The web address for eCourt is: eCourt.maricopa.gov

This program has made it possible for most litigants to prepare their own separation and divorce paperwork. For many, this results in them having access to the Court they would not otherwise have. Pre decree forms, service documents and a child support calculator are available online and for use by the public. This program is continually becoming more comprehensive.



Future projects

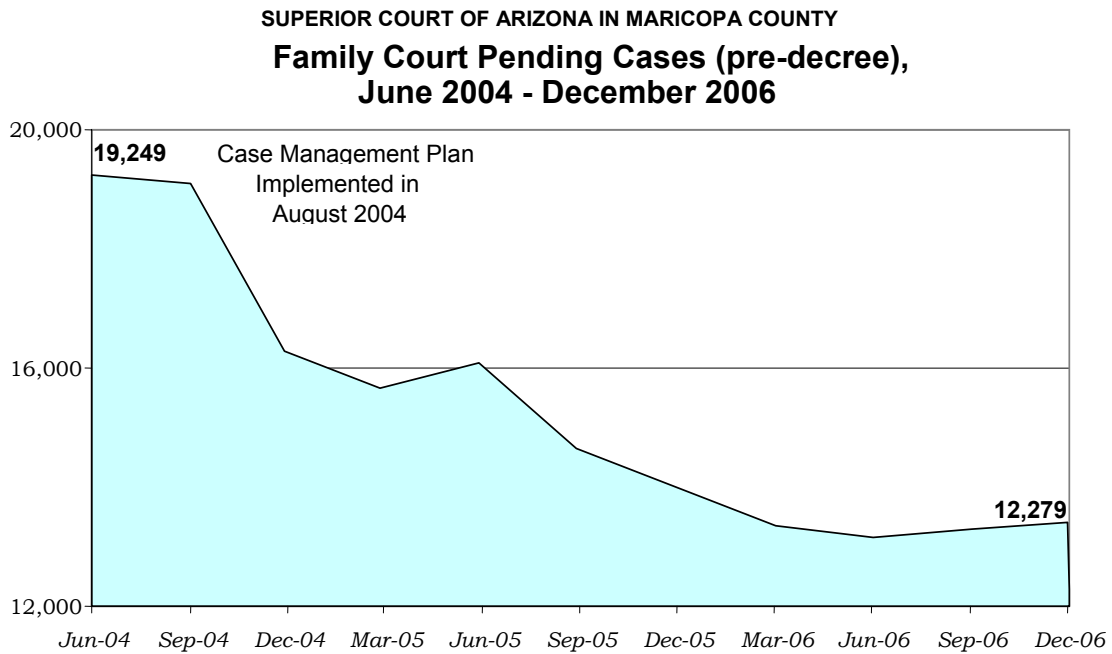
- *eDECEE*
- *eFILING*
- *Setting hearings via the internet for Specialty Courts*
- *Computer scanning of all documents to search for compliance for default hearings*
- *FCIN – Family Court Information Network*

- *Parenting Time Establishment Court*
- *Statistical Information reported in real time*
- *DV Courts*
- *Comprehensive Mental Health Court – including court supervised parenting time and exchanges*

Evaluation

The project has been evaluated from many different angles- time to disposition ratios, case-aging, user satisfaction and Court satisfaction. We have concluded that the Maricopa Model has been a dramatic and comprehensive improvement. We continue to receive exceedingly positive comments from the lawyers and litigants regarding the comprehensive changes made in Family Court. In addition, most of the Judges and staff in Family Court report increased satisfaction in the workplace.

Significantly fewer cases are pending before the Court now than was the case in June 2004 before the Maricopa Model was implemented. The following table charts pending cases from June, 2004 to December 2006. The results are dramatic.



Project Details

The comprehensive nature of the Maricopa Model required ongoing collaborations with all of our court partners – Clerk of the Court, Family Court Bench, Information and Technology Services and Court staff. The restructuring of the Family Court Department was a monumental undertaking by our Presiding Judge, the Honorable Norman Davis.

Family Court, under the leadership of Judge Davis, re-engineered its processes. The only significant budget impact was that we added one Commissioner division. All other changes were implemented without budgetary impact. The total budget for Family Court is between 11 and 12 million. A summary of the initiatives are as follows:

- A comprehensive Uniform Case Management Plan has been fully developed and implemented that is designed to promptly and fairly resolve each case with a specific case management process designed for that case and all others with similar characteristics.
- The manner and methods by which we track and gather statistical information on cases has become significantly more accurate and meaningful.
- All uncontested cases are now resolved quickly and efficiently by the Decree on Demand program at the convenience of the public.
- When the parties reconcile or otherwise voluntarily abandon their case, the cases are dismissed from the system in a timely manner.
- Self-represented litigants with contested cases can now expect court intervention and resolution in every contested case with the highly successful Early Resolution Conference Program.
- Judicial management of all cases has greatly improved with early active judicial intervention, emphasis on final resolution, better litigant preparation for court conferences, targeted use of ancillary services, early firm trial dates, and prompt case reassignments.
- The written forms at the Self Service Center have been augmented with the eCourt electronic interactive forms program, and general user satisfaction by parties and attorneys has improved.
- All support modifications and enforcements and parenting time enforcements are now resolved very quickly with the Post Decree Specialty Courts.

The Maricopa Model can be replicated with ease in its entirety or each individual program can be individually implemented. A complete report along with planning documents can be found at:

<http://www.superiorcourt.maricopa.gov/familyCourt/announce.asp>

The Maricopa Model is a dramatic and innovative change that has reduced unnecessary bureaucratic delay at a very stressful time in the lives of our citizens. It gives self-represented litigants a structure to move their cases forward and it reduces frustration. This, in turn, reduces financial hardship, and trauma to family relationships that is inherent in unnecessarily protracted Family Court litigation.