

# *The Future of Family Court*

# Quick Facts

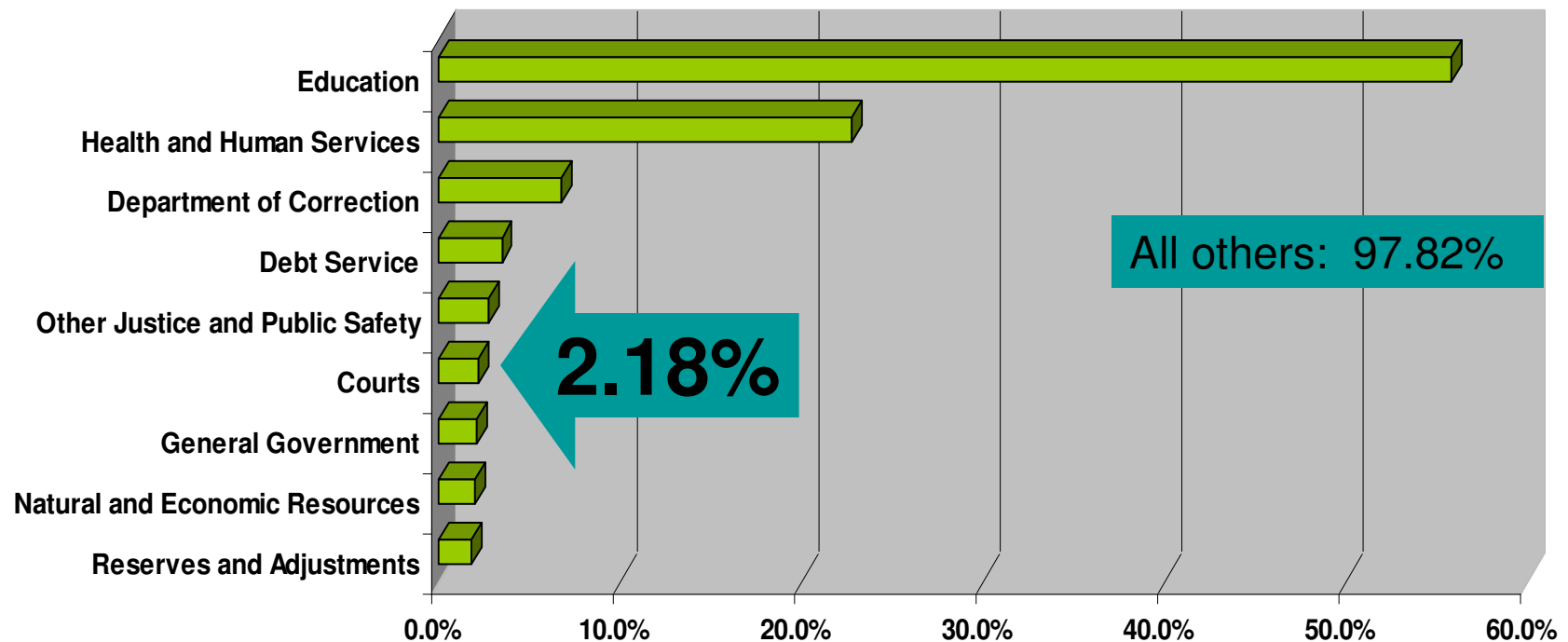
- North Carolina ranks second to last in the number of judges per capita at 1.2 FTE per 100,000 population
- The median for general jurisdiction courts is 3.1 per 100,000 and 5.7 for unified courts

# Quick Facts (cont'd)

- North Carolina ranks 50<sup>th</sup> in % of justice system funding spent on courts at \$67 per person.
- Alaska spends \$280 per person. The mean for all states is \$119.

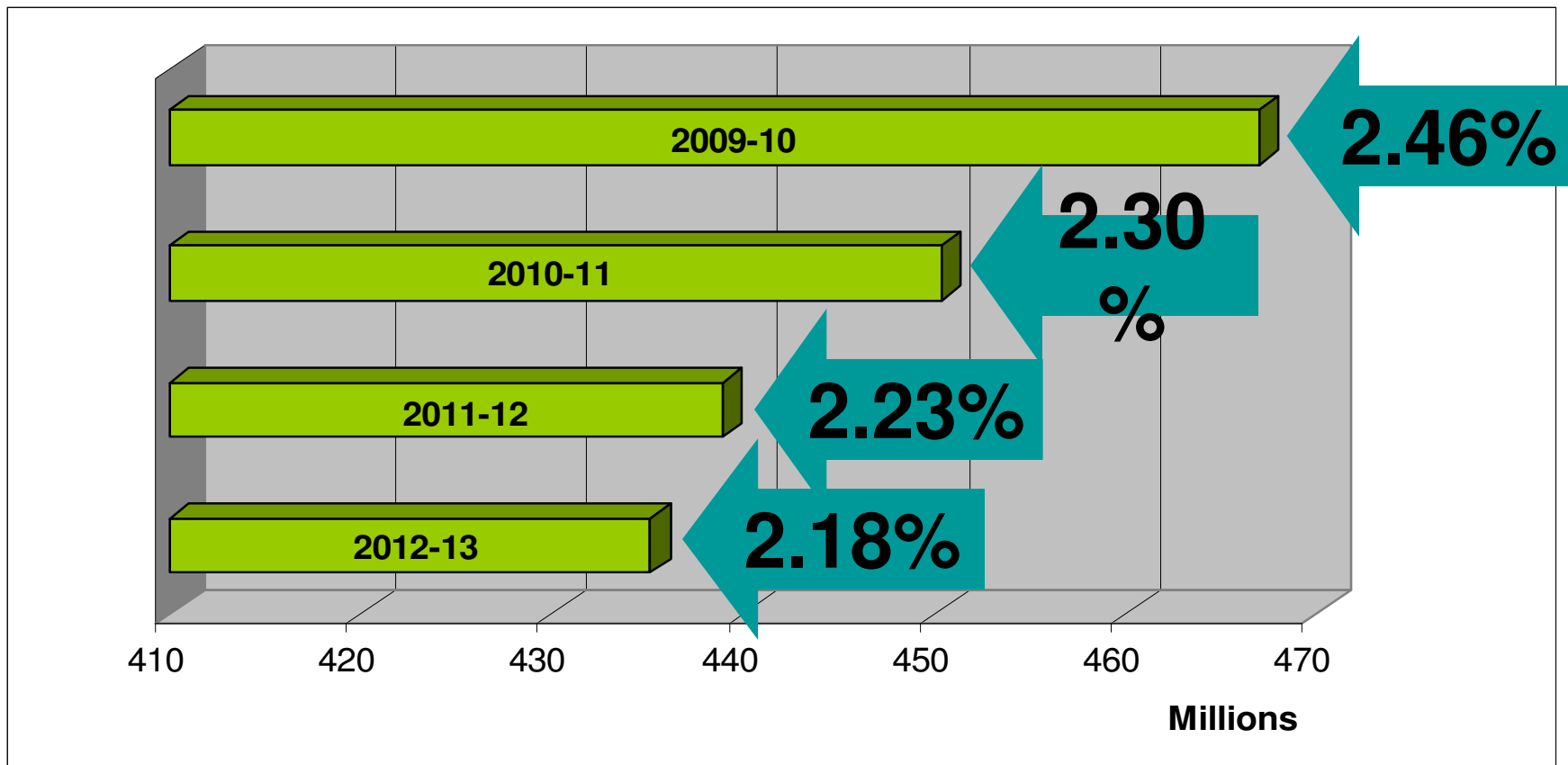
The Judicial Branch receives less than 3% of a \$19.9 billion state budget

## Scheduled Allocation of FY2012-13 Appropriation



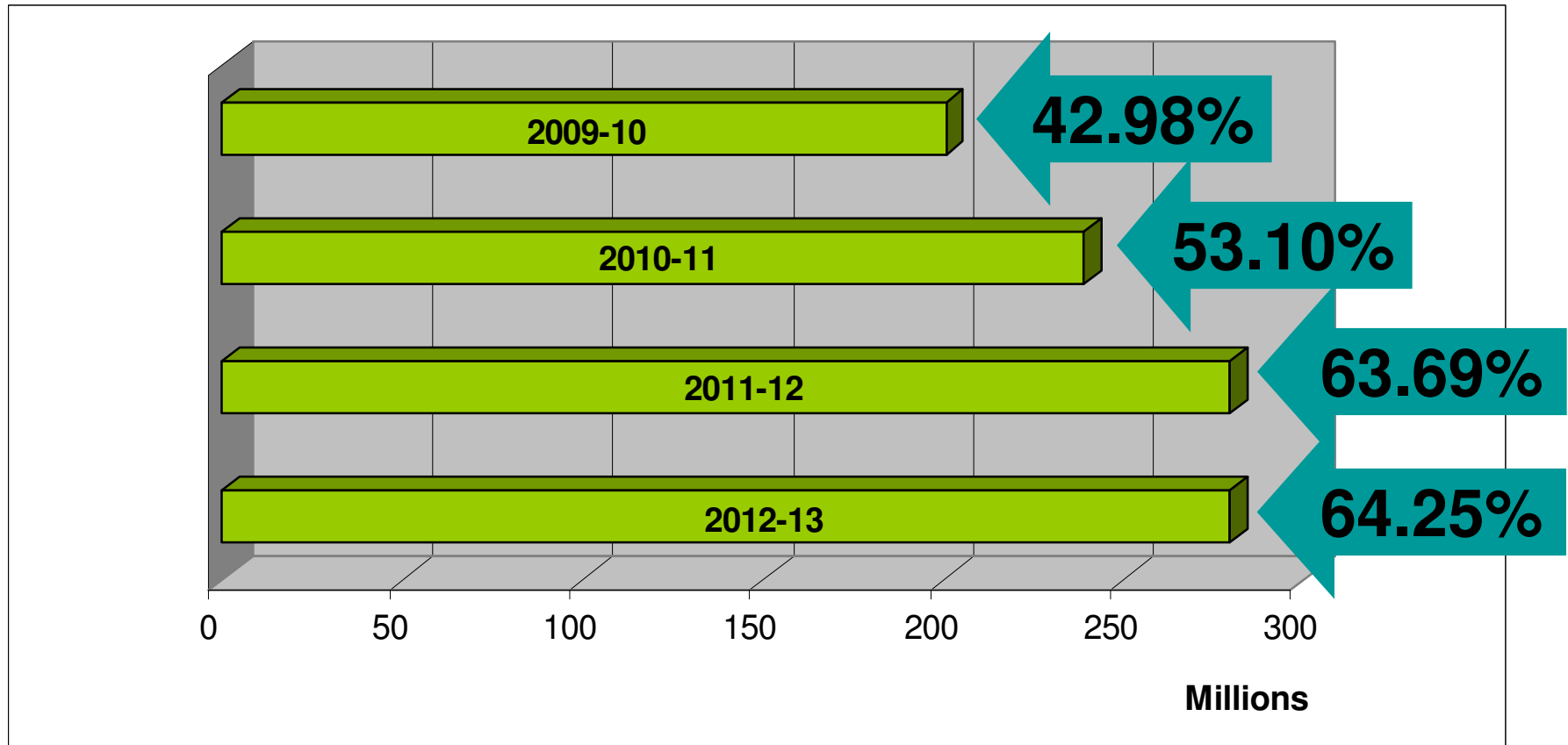
# North Carolina's Judicial Branch funding is being steadily reduced: \$38 million over the past 4 years

Allocation of Funds to NC Judicial Branch 2009-13



# Reliance on Judicial Fees Increasing

## Percentage Fees Comprise Judicial Branch Budget

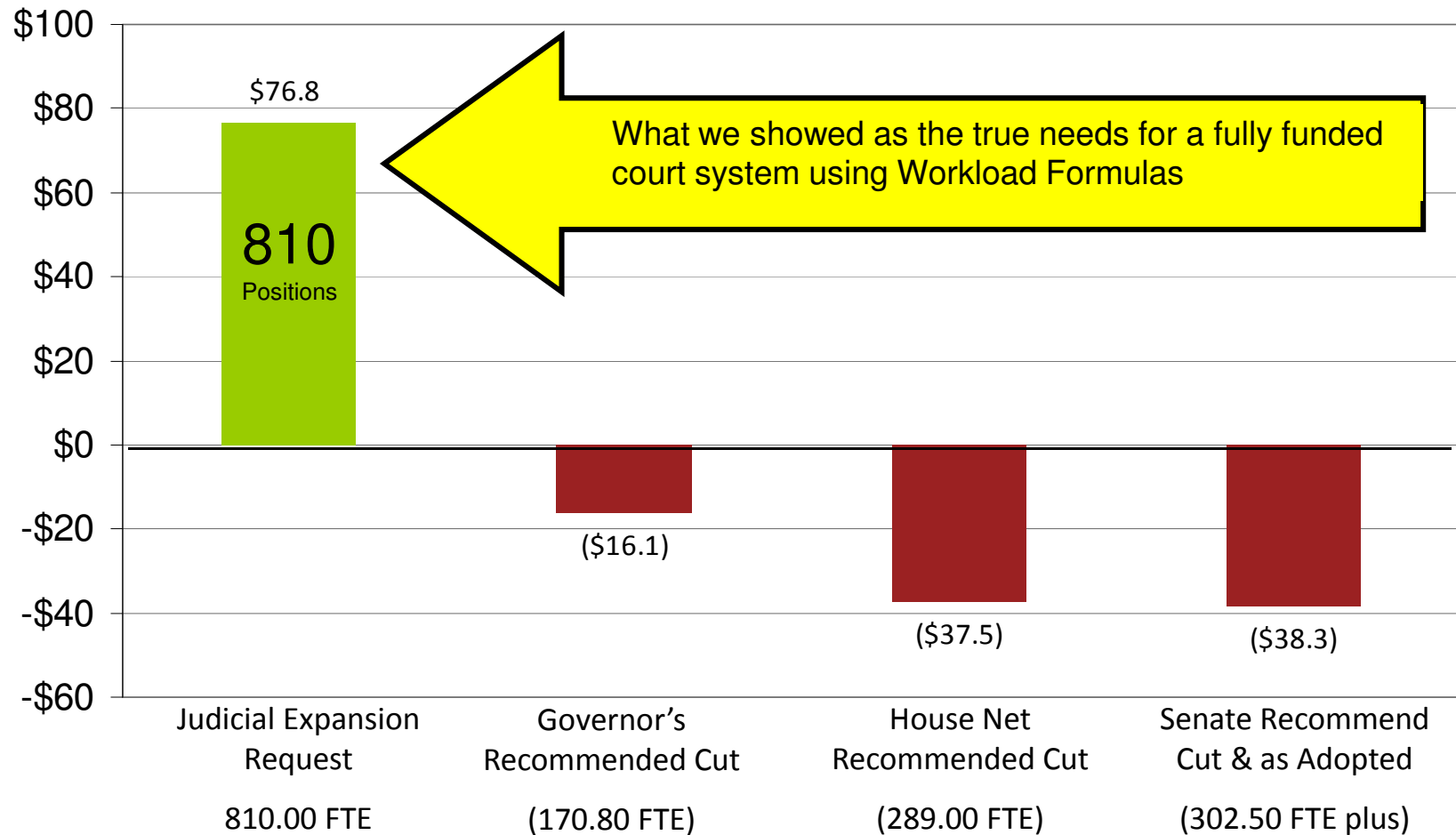


# Workload Formulas Show 2011-2012 Needs

- **810 additional positions needed** using workload formulas, including:
- Additional ADAs 100
- Additional VWLAs 47 (Victim-Witness Legal Assts.)
- Additional Clerks 354
- Additional District Court Judges 69
- Additional Magistrates 118
- Additional GALs 33 (Guardian ad Litem staff)
- Additional Judicial Assistants 40
- Additional Family Court Staff 16

# Recommended Budget Adjustments from True Needs if Courts had been Fully Funded Fiscal Year 2012

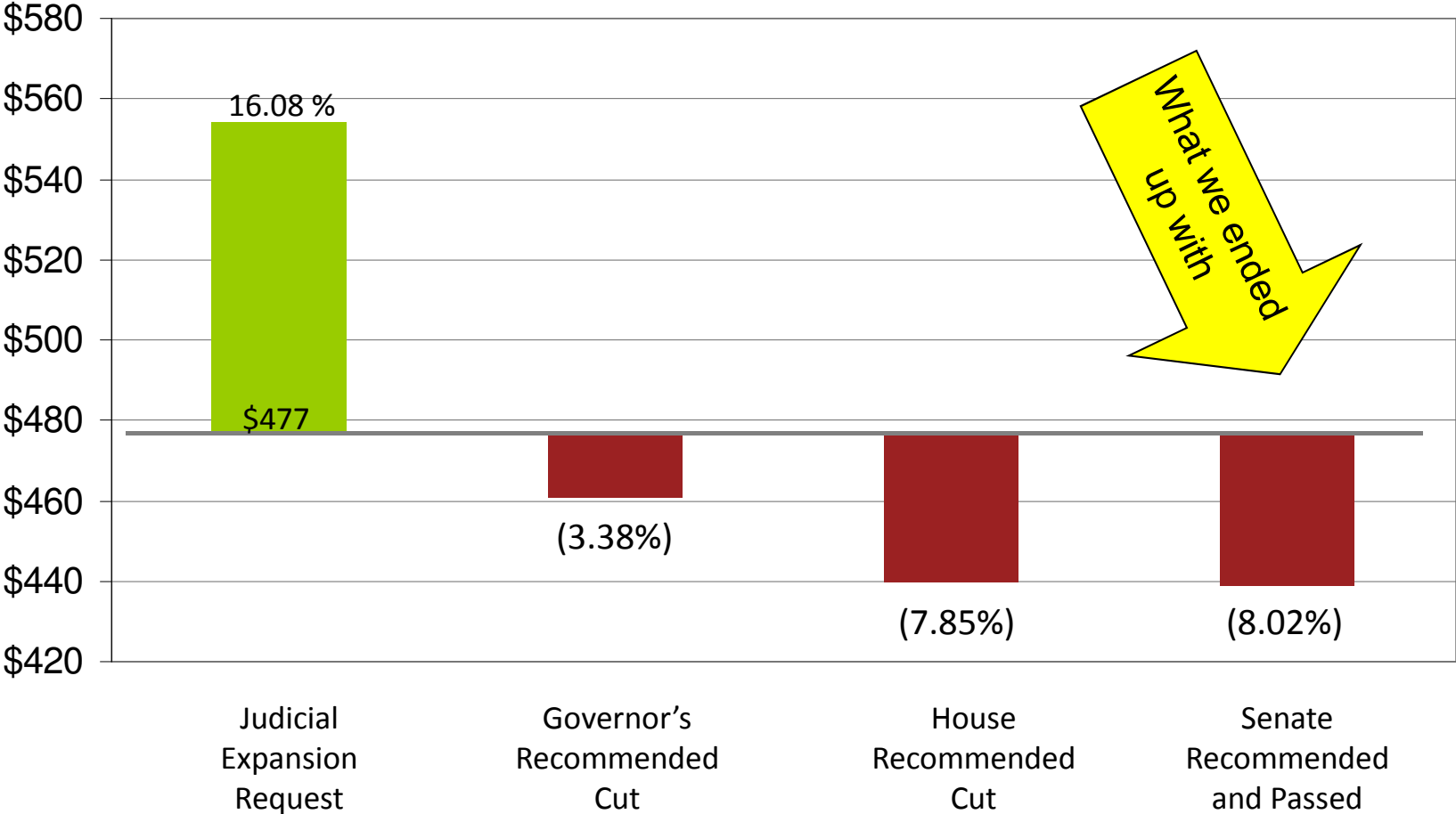
millions of dollars
























# Budget Adjustments: Impact to Base Budget Fiscal Year 2012

millions of dollars



# Focus on “Non-Statewide Programs”

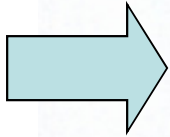
“PROGRAMS”	Gov	House Proposed	House Final	Senate Proposed	Final
Custody Mediation	-9%				
Dispute Resolution Funding	-9%				
Guardian Ad Litem	-9%				
Family Court	-9%		CR	CR	CR
Drug Treatment Court	-9%		CR		
Trial Court Administrators	-1%				
(Additional: DA VWLAs)	-1%	All Vacant Positions	55	151	55
<b>Total Judicial Branch Cut, 2011-2012</b>	<b>\$16.1m</b>	<b>\$37.9m</b>	<b>\$37.4m</b>	<b>\$40.9m</b>	<b>\$38.3m</b>

**Trial Courts**

**11 Eliminate Vacant Magistrate Positions**

Eliminates vacant magistrate positions based on workload. The Administrative Office of the Courts' workload formula for magistrates indicates that there are over 60 more magistrates than necessary for the workload. Eliminates 19 positions currently vacant and an additional 42 vacancies occurring on January 1, 2013.

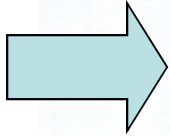
(\$826,272) R (\$1,739,520) R  
-19.00 -61.00



**12 Eliminate Drug Treatment Court**

Eliminates all State funding for the Drug Treatment Court program.

(\$2,043,523) R (\$2,043,523) R  
-32.00 (Plus 1 from RIF) -32.00



**13 Continuation Review of Family Court**

Eliminates recurring funding for the Family Court Program pending the outcome of a Continuation Review.

(\$2,865,693) R (\$2,865,693) R  
\$2,865,693 NR -44.00

Senate Subcommittee on Justice and Public Safety

**FY 11-12**

**FY 12-13**

**Total Legislative Changes**

(\$39,454,220) R (\$40,367,468) R  
\$1,184,693 NR (\$1,681,000) NR

**Total Position Changes**

-302.50 -388.50

**Revised Budget**

\$438,920,048 \$435,141,107

# The Continuation Review Process

# What is Continuation Review?

Created by the General Assembly in 2007 as a way to improve governmental accountability. Continued funding is dependent on whether agencies can make a compelling case to continue the programs.

# Report Requirements

Judiciary must submit a report including:

- Executive Summary
- Current Environment (mission, goals, activities)
- Program Performance (performance data)
- Link Between Funding & Societal Impact
- Program Justification
- Recommendations to Improve Efficiency & Effectiveness
- External Factors

# What options are available to the General Assembly?

- Increase funding
- Continue funding at current levels
- Reduce funding
- Eliminate all funding

# Report Findings

## - Timely Disposition of Cases

Statewide Aging Analysis	FAMILY COURT	NON FAMILY COURT
Median Pending Age of Domestic Cases	90 days	272 days
Domestic Cases Pending over 365 Days	19%	44%



# Noted Strengths

- Active case management
- Services to pro se litigants
- More user friendly
- Specially-Trained Judges
- One Judge/One Family - Consistency and Continuity

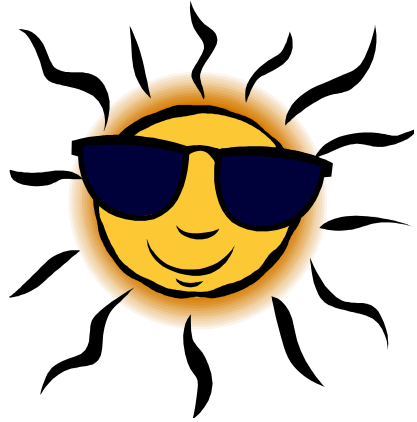
# Consequences of Eliminating Family Court

- Delay: Age of cases will significantly increase
  - \* Higher conflict
  - \* Higher litigation costs
  - \* Increased demands for public assistance
  - \* Increased psychological toll on children
  - \* Unintended winners and losers
  - \* Lost public trust and confidence
  - \* **JUSTICE DENIED**

So what does the future hold?



# Family Court



# No Family Court



# The Writings on the Wall

The Los Angeles Times – July 20, 2011

Headline: *Budget cuts to worsen California court delays, officials say*

“San Francisco court officials have predicted a five–year wait for lawsuits to get to trial. A divorce, which used to be finalized in five months may now take 18 months.”

# The Writings on the Wall - Continued

The Los Angeles Times – July 20, 2011

Headline: *Budget cuts to worsen California court delays, officials say*

“Presiding Judge Lee Smalley Edmon cited the case of a father who waited hours in line to fill out a custody form to prevent his wife from taking their child out of state. He was told clerks would not be able to get to him and he should return the next day”

# The Writings on the Wall - Continued

CBS News – October 2, 2011

Headline: *Budget cuts are slowing down U.S. courts*

“Engineer Doug Reed wants to start his own consulting business, and, uncertain of his cash flow, he filed to lower alimony payments to his ex-wife. That was in July, 2010. Now 14 months and counting, his case is languishing in the overburdened Massachusetts court system. The earliest Reed expects to be seen now is Dec. 5.”