

**AN EVALUATION OF THE FAMILY COURT PILOT PROJECT
IN THE 26th JUDICIAL CIRCUIT OF MICHIGAN**

by

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Special thanks is also due to Bruce D. White, Deputy State Court Administrator, Region V, for his invaluable assistance, particularly as Associate Project Director during the first year of the Project.

Many throughout the 26th Circuit gave additional time and effort, without additional compensation, except for the hope that this experience would point to a better way to do our work and thereby collectively reach a more humane result.

To Them this Report should be dedicated:

Offices of the Friend of the Court: Theodore O. Johnson, Michael F. Lund, Alpena Co; James Gilbert, Peggy Fimbinger, Cheboygan Co; Ted Granholm, Claudine Guest, Montmorency Co; Elmer Radka, Shirley Kreft, Presque Isle Co.

Juvenile Officers: Thomas Wood, Alpena Co.; A. Margaret Herring, Cheboygan Co.; Ted Granholm, Montmorency Co.; Terry Larson, Presque Isle Co.

Probate Court Recorders and Assignment Clerks: Joanne Szczukowski, Christine Calcari, Jane Thiem, Carolyn Matuzak, Alpena Co.; Helen Butts, Cheboygan Co.; Dorothy Bailey, Kathryn Achatz, Montmorency Co.; Isabel Sabin, Presque Isle Co.

Offices of the County Clerks: Blondine Smolinski, Alpena Co.; Joanne Spray, Jean Boyer, Cheboygan Co.; Andrea Mellingen, M. Jeanne Clement, Montmorency Co.; Sherri Kuhlman, Faye Poppenfuse, Presque Isle Co.

Alpena County Board of Commissioners;
(Authorizing Official) Alex F. Tadjewski

Alpena County Treasurer: Mary Ann Werner, Financial Officer

Office of the Alpena Co. Clerk: Carol Seguin, Project Billing Clerk

26th Judicial Court Administrator: Mabel Ann Joseph

Secretaries: Sharon Martinek, Secretary to Bruce D. White; Patricia A. Hansen, Secretary to Project Administrator; Joyce D. McLain, Secretary to Project Director

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I. Introduction

The Family Court Pilot Project in the 26th Judicial Circuit of the state of Michigan was in operation from April 1, 1976 through March 13, 1978. The first twelve months of that period were privately funded through the Jesse Besser Foundation of Alpena, Michigan; the second twelve months were funded by the Office of Criminal Justice Programs of the State of Michigan. The Honorable Joseph P. Swallow, Presiding Judge of the 26th Circuit, was Director of the project for both periods of time.

The focus of this evaluation is the second twelve month period which was supported by the state of Michigan. A Six Month Interim Report covering the Besser Foundation phase of the project has been prepared by Bruce D. White, Deputy State Court Administrator for Region V of the state, and is available from either the Project Director or from Mr. White himself.

Pilot Project Objectives

The objectives of the Family Court Pilot Project are defined in the grant application submitted to the Office of Criminal Justice Programs by the County of Alpena as follows:

To establish and operate, as nearly as practically possible within the confines of existing law, a "Model Family Court," by appropriate transfer and consolidation of all domestic relations, juvenile and family-related jurisdictions into the Probate Courts of the four counties of the 26th Judicial Circuit. To define and utilize existing community resources, and to initiate and establish additional necessary services and facilities, to implement the Family Court in the provision of coordinated adjudication and pre- and post-adjudicative services to persons involved in the court process as a family unit or in a family context. To determine and document the desirability and feasibility of a combined services Family Court and its impact upon the incidence of juvenile and family-related crime. To determine and document the impact upon the pending and/or backlog criminal dockets of the Circuit Courts, and the processing time of criminal cases, resulting from the transfer of domestic and family-related jurisdiction to the Family Court. To assist the legislature and the judiciary in the formulation and consideration of effective legislation to establish a Family Court with optimum structure, procedures and jurisdiction.

These general goals can be related to three essentially distinct areas: the operational procedures and organization of the Circuit; the impact of the Courts upon the families that are its clients; and the degree of interaction between community agencies and families in litigation. A brief discussion of each of these follows:

1. The Operational Procedures and Organization of the Circuit

The clear intent of the FCPP in this area was to improve the efficiency of Court operations. It was assumed that handling family matters in one court would result in simpler, smoother and more effective processing of those cases. Family based record management was possible in principle, and therefore, the Court could potentially interact with each family as a unit rather than as a set of separate individuals. It was further assumed that the transfer of those family cases presently heard in Circuit Court would permit Circuit Judges to devote more attention and time to criminal or non-family civil cases, thereby helping to avoid or eliminate backlogs.

2. The Impact of the Court upon Families

The second area of potential impact concerned the experiences and behavior of those families that are involved in the Court. The present method of handling family cases can lead to a situation in which a single family has cases in separate courts (let us say a divorce case in Circuit Court and a delinquency case in Probate Court), involving separate hearings, separate judges, with disparate dispositional alternatives. Yet, the problems that have led to the different cases may have common origins, and in that sense might more sensibly be handled in an integrated fashion.

It is also possible for conflicting recommendations and decisions to be made about the same family. For instance, for a single family, a juvenile officer may make a recommendation to a Probate Court Judge which is in direct opposition to a Friend of the Court report to the Circuit Court Judge. The former case may involve delinquency, the latter custody. If, in the absence of information about the involvement of the other court, both judges then implement the recommendations of their respective support staff, the Family involved will at the least be in an uncomfortable quandary. At worst, the conflicting actions are likely to exacerbate the already difficult family situation. This is clearly undesirable, but, under the present system, it could occur.

The Family Court idea is to avoid problems of diversity of decisions, such as just outlined, and to allow the judge making the decision access to the full range of information on the family situation. The accompanying hope, naturally, is that disruption, emotional stress, and trauma attendant upon family litigation will be reduced, thereby promoting more satisfactory and less damaging outcomes for all concerned.

3. Interaction between Community Agencies and Families

A systematic effort, under the Family Court structure, to identify community agencies which focus upon family matters could, in principle, lead to a greater degree of useful interaction with such agencies by the families with which the Court is in contact. This increased utilization of community services may be valuable in its own right, since it establishes family-agency links where few previously existed, and, in addition, it is thought to facilitate the process by which family problems are resolved. In some cases, therefore, outcomes might occur which would otherwise have been difficult, if not impossible, to realize (reconciliation instead of divorce, for instance).

The Project Director, the Honorable Joseph P. Swallow, in a private communication to the author (January 23, 1979), has illustrated this objective in the following manner:

...the Family Court (was seen) as a catalyst in marshalling existing social agencies and structuring an environment so that the agencies' deployment could be most effective. That was the reason for our effort in inventoring and cataloging existing social agencies and our aborted attempt to mandate marriage assessment.

This, coupled with our decision for early involvement in the marital discourses, should have permitted the court early on to ask what we, as a court, could do that would be legally permissible to structure an environment that would most effectively permit the social forces to react to the situation.

A hypothetical example: A suppressed complaint for divorce (which avoids social stigma) is filed by the female spouse giving the court jurisdiction over the family. Immediate marriage assessment of one or both of the parties reveals that acute alcoholism of the male partner is the major problem of the marriage and because of alcohol-motivated actions, life has become untenable for the wife and children.

The court can then immediately order 1) the male partner to be enjoined from the marital home and to desist from assaultive conduct or interference with the family; 2) temporary custody of the children to the mother; and 3) support and maintenance, if affordable.

A judicially created environment has now been imposed which will permit effective operation of outside social agencies. Immediate pressures are now relieved and from a voluntary standpoint, Al-Anon can be recommended to the wife and children so that they might better understand the disease of alcoholism.

The reality of the judicial action could well precipitate involvement by the male partner in Alcoholics Anonymous or prompt him to seek professional substance abuse assistance.

If desired results are achieved, the divorce would be dismissed without further court involvement - if not, the suppression eventually lifted and the normal course of a judicial divorce followed.

At all times, the court itself should guard against being involved from a social worker standpoint and provide only judicially permitted remedies. Equally, the court must also protect against overzealous application of social remedies that would infringe upon the individual constitutional or statutory protections.

Under normal circumstances the evaluation of this project would focus upon each of these three areas. However, there are several complicating factors which must be taken into account and discussion of them is in order before moving to a statement of the structure and design of the evaluation itself. These complicating factors relate either to preexisting conditions in the Circuit which inhibited optimal execution of the evaluation, or to events which transpired after the second phase of the Pilot Project began, which limited the ability of the Circuit to execute the project as specified in the grant application.

Pre-existing Conditions

In an ideal sense, an evaluation design should be established well before implementation of the project it seeks to evaluate, in order that a pre-project data base can be established as a comparison to the project activities. In addition, the evaluation design may entail data collection and/or operational practices not anticipated in the Project Plan, and to the extent that this is so, changes in the plan will be necessary. Obviously, such changes are easier to introduce into the drawing board stages of a project than into an on-going program.

In the case of the FCPP, however, early design of the evaluation was not possible for a variety of reasons. First of all, as was noted, the Circuit had in effect from April 1, 1976 through April 1, 1977 a Family Court Project virtually identical to the one on which this evaluation focuses. The information concerning the specifics of this prior project can be obtained by looking at the Six Months Interim Report of the project by Bruce D. White, Deputy State Court Administrator, Region V (12/16/76, mimeo). It is clear from this report and from the original project proposal, that project goals during the first period were the same as the goals during the second.

This meant that the design of the project and the reorganization of the Circuit to incorporate the Family Court concept had already taken place by the time consideration of issues related to this evaluation began. Furthermore, the data base developed during the first year of the project was not adequate to permit a comparison of that first period with earlier non-family court operations, or with the second year operation.

The consequence of these facts was that it was impossible to establish a pre-project data base of the kind that would permit a normal evaluation. In other words, the changes that were a direct consequence of the project cannot be empirically identified. This means that only limited statements can be made in this report about the actual impact of the FCPP in the 26th Circuit or the likely effect of the introduction of a Family Court in other jurisdictions.

Further difficulties arose after the beginning of the second twelve-month period with respect to the scope of project activities that was envisaged in the grant application to the State. It was intended to implement a method of recommending and perhaps even mandating to families a marriage assessment by a counselling agency be undertaken prior to court disposition of the litigation. This was intended to have particular relevance to situations in which marriages were breaking up and couples were either seeking separation orders or divorce. The Circuit established a plan to implement the assessment through local agencies and prepared an Administrative order to that effect. However, after the commencement of the Project but before the Administrative order became operational, the State Supreme Court instructed the Circuit not to implement the marriage assessment idea. As a consequence, neither the survey of local agencies that had been planned, nor the counseling program that would have followed the survey, were ever conducted. Therefore, in terms of this evaluation, assessment of the way in which such a counseling program might work, and the reaction of families and court personnel to it, is therefore impossible at the present time. All that can be said about such an idea is that it is a matter of considerable public concern, and that public response to the general implementation in the State of such a counseling practice by courts, whether as a Family Court or under the aegis of the existing Circuit Court, would be likely to be volatile. In other words, the mandatory counseling issue is a very sensitive one.

A direct consequence of the Supreme Court decision to refuse authorization of the counseling program was that families who were involved with the Family Court during the project period could not be contacted, as was contemplated in the original design. It was intended to survey those individuals who had dealings with the Court in order to establish the nature of their responses to the new system. A draft letter, addressing this issue, was in fact included in the evaluation design for the project, but for the reason stated was never distributed.

The effect of these limitations on the evaluation is to restrict it to an assessment of the operational procedures and organization of the Circuit during the project. Little or no comparison with the pre-project period is possible, and the impact of the Family Court idea on the community is similarly inaccessible. In an effort to partially compensate for this obvious shortcoming, interviews were conducted with members of the two Bar associations in the Circuit, during which the impressions and opinions of bar members about the response of families to the family courts were elicited. In addition, synopses of a number of cases were prepared by the Project Administrator to illustrate the manner in which the Family Court concept might affect the family in litigation.

The organization of the balance of this report is as follows. The evaluation design will be reviewed in Section II, and the procedures and organizational practices established to operate the Pilot Project will be presented in Section III. A description and analysis of case processing during the Project will be incorporated into Section IV. Section V will review the opinions of Court personnel and Bar Association members. General conclusions will be presented in Section VI.

II. The Design of the Evaluation

In the original evaluation design, the following general objectives were established:

1. To examine and analyze the operation of the Family Court Pilot Project in the 26th Judicial Circuit.
2. To assess to the degree permitted by available data the impact of the Family Court concept on the behavior and psychological health of the families handled by the Court.
3. To assess the degree of interaction between community agencies and families, and the effect of that interaction on cases handled by the Court.
4. To identify and discuss areas in which evaluation would have been desirable, but which were inaccessible to evaluation procedures.
5. To make a general summary statement concerning the Pilot Project along with specific reference to its overall efficiency and effectiveness.
6. To identify the steps necessary for implementation of the Family Court concept in a judicial system such as that which exists in the State of Michigan.

Because of the problems just discussed, however, Objective 2 can only be accomplished through consideration of the impressions and opinions of attorneys, judges, and other court personnel in the circuit, and Objective 3 is no longer relevant to the Pilot Project as it actually operated. Of course, it should be pointed out that an assessment of the impact of the Family Court on families would have been hard to accomplish even if direct contact with the families had been undertaken. The behavioral and psychological responses of families to litigation are difficult to measure under any circumstances and in the Pilot Project, normal difficulties were compounded by an absence of funds to make the necessary background investigations, and by the fact that the evaluation period has almost certainly been too short to permit complete emergence of such responses. It seems likely, for instance, that a longitudinal study of several years duration would be necessary to know whether or not reconciliation that occurred after counseling but before the end of the project was more than a temporary postponement of divorce. Consequently, the range of statements that could have been made with respect to the second objective, even after family contact, would have been very limited. For similar reasons, it would also have been difficult to know whether families benefited from counseling prompted by the Court, and, of course, the absence of such benefit would not in any case be an indictment of the Family Court idea. The Court would not have controlled or even been directly involved in the counselling that might have taken place. Thus, the Court should be viewed as a potential facilitator of interaction between families and agencies, rather than as a direct influence on the outcome of that interaction.

In order to address the remaining evaluation objectives a special data collection system was put into effect in the Circuit for the duration of the project. The following types of records were kept, for varying periods of time:

1. Judge Time Record
2. Case Transaction Record
3. Court Personnel Time Record
4. Case Characteristics Record
 - Family Characteristics Record (used by the Friend of the Court)
 - Juvenile Case Characteristics Record (used by the Juvenile division)

Each of these types of record focused on a different aspect of the Family Court Project and the individuals with which it dealt, and data for each record was collected in a slightly different fashion. The following discussion addresses each record sequentially.

Judge Time Record

The Judge Time Record focused upon the activity of individual judges. It was considered desirable to be able to make a comprehensive statement for the total period of the project about the time judges spent on different classes of cases and on different kinds of judicial activities. This facilitates a complete description of judge activity in the 26th Judicial Circuit, and provides a basis for an assessment of the impact of the Family Court concept on the distribution of judge time across case type.

Because it was necessary to maintain quite detailed records on judge activity in order for the information to be useful, the implementation of a time record such as this imposed in and of itself considerable demand on judicial resources. In part, this was inevitable since it was only from the judges themselves that a statement of their activity could be derived. However, in order to mitigate the impact of this demand upon normal judge activities, the judge time record was only implemented for part of the project period. The first implementation took place during the month of October 1977 and the second took place during February, 1978.

Primary elements of the judge activity records consist of the type of activity the judge was involved in, the parties present at that activity, and the duration of the activity. A sample form used for the Judge Time Records follows this discussion.

Case Transaction Record

The Case Transaction Record provided a means for documenting all formal activity that took place with respect to cases that the Family Court handled. In most situations, the judge was involved in such activity, but his presence was not a requirement for inclusion of the transaction in the case record. For instance, a preliminary hearing subsequent to a juvenile division petition was, in most cases, handled by the referee or by a juvenile officer. This was nevertheless a formal step in the process and was to be included on the transaction record. Similar transactions should also be included.

Cases Included

Before proceeding to a discussion of the Record, it will be useful to specify the kind of cases that were covered by it (and by all other project data records). The following list presents these cases, classified according to the Court in which they are presently handled:

Circuit Court

Divorce
Custody
Paternity
URESAs
Criminal Child Abuse (felony)
Annulments

Probate Court

Delinquency
Neglect and Abuse
Guardianship
Adoption
Paternity Acknowledgement
Secret Marriages
Mental Illness
Real Estate Title
Name Change

All Post Judgment matters, in either Court, that related to the listed case types were also included, except post judgment action relating to child support.

Consequently, the case types for which a Case Transaction Record was not developed are as follows: all criminal and civil non-family cases in Circuit Court; all Circuit Court post judgment action for non-support; traffic and estate cases in Probate Court.

The Case Transaction Record was to be included in the case file for each and every case handled by the Family Court (provided it was on the above list) and not just those which were dual jurisdiction cases. This means that a Case Transaction Record should be completed for all Circuit Court family cases, even if, for that given family, there was only one case handled by the Court during the project period. The reason for this is that a comprehensive and accurate statement about the total Family Court operation could not be made if data were collected only on dual jurisdiction cases, since it would then be impossible to do such things as compare this type of case with the single incident type of case, assess the demand on court resources of the various kinds of cases, and so on.

Data Elements on the Case Transaction Record

A copy of the Case Transaction Record is included as Figure II-2, and as can be seen, it consists of two parts: the first is a set of general case identifying information which appears on the top of each form, and which was to be completed as soon as the case was opened; the second is the body of the form, on which transactions were to be posted as they occurred. Most of the data elements on the top of the form are self-explanatory. The activity types to be identified were as follows:

1. Pre-Adjudication Motions
2. Pre-Adjudication Conferences
3. Preliminary Hearings/Arraignments
4. Adjudication Hearings/Trials
5. Post-Adjudication Motions
6. Post-Adjudication Conferences
7. Post-Adjudication Hearings
8. Orders Entered

In the "Activity Type" column, a number corresponding to the kind of activity was entered. The type of transaction, however was not numerically coded. The reason for this is that the four counties involved in the project follow different procedures and employ different nomenclature for similar types of cases, and because it is difficult if not impossible to establish a comprehensive coding scheme in that kind of situation. Therefore, under TYPE OF TRANSACTION Court staff entered in words precisely what took place. The entry corresponded to the log that is kept for each case by Clerks or Registrars. Where present, this entry was used to verify the type of activity, but the entries proved so diverse that they could not be usefully classified by any numeric scheme.

In the ACTION TAKEN column, a verbal entry was made indicating the action taken as a consequence of the transaction. For instance, if a Family Court judge was considering an ex parte motion for temporary custody in a divorce case, and custody was granted, then the entry under TRANSACTION TYPE would be "ex parte temp cust," or some equivalent statement. The entry under ACTION TAKEN would be "Entered", or, again, an equivalent statement. The transaction would already have been identified as a pre-adjudication motion by a "1" in the ACTIVITY TYPE column.

Staff Time Records

One of the potential benefits of the Family Court Pilot Project was that it provided an opportunity to assess the demand placed on Court resources by different kinds of family cases, and by these cases in comparison to non-family cases. Such information is critical in attempts to estimate the potential impact of the concept on any Circuit which subsequently implements a Family Court. One of the most important elements of this impact consists of the time spent on family cases by Court staff. In order to develop information in this area, 26th Circuit staff were also requested to complete time records, documenting their activities during three separate one week periods. These time records are in principle similar to those which judges completed, except for the fact that the range of activities was inevitably somewhat different, and that the time for which the record was kept was somewhat shorter (21 total days for staff, compared to 60 days for judges). The Staff Time Record form is included as Figure II-3.

The staff to be covered by the process are listed below:

- 01 County Clerk
- 02 Deputy County Clerk
- 03 Probate Registrar
- 04 Deputy Probate Registrar
- 05 Juvenile Division Referee
- 06 Juvenile Division Supervisor
- 07 Juvenile Division Case Worker
- 08 Friend of the Court
- 09 Friend of the Court Staff
- 10 Family Court Administrator
- 11 Other (specify)

Because this form was intended to cover a variety of Court positions, no a priori attempt was made to exhaustively list and code the kinds of duties which staff perform. The way in which activities were subsequently coded is discussed below in Chapter IV.

JUVENILE FACE SHEET

FAMILY COURT PILOT PROJECT
26th Judicial Circuit
State Of Michigan

A. COUNTY OF _____ B. CASE NO: _____ C. DATE OF REFERRAL _____ WORKER _____

OTHER FAMILY CASES 1. _____ 2. _____ 3. _____ 4. _____

CHILDREN. List, first, children specified in the complaint and check them in the second column; list, next, the other children in the home in order of age.

No.		NAME (print) Last Name First	Age	D. Birthdate	Birthplace	E. Sex	F. Prev. Court Exp.*	School or Employer	Grade or Wage	School Record	Religion- Religious Activity
1	<input type="checkbox"/>										
2	<input type="checkbox"/>										
3	<input type="checkbox"/>										
4	<input type="checkbox"/>										
5	<input type="checkbox"/>										
6	<input type="checkbox"/>										
7	<input type="checkbox"/>										

STATISTICAL ITEMS. Place number in margin by appropriate category. Under Item I or J, two may be listed if two codes apply.

CHILD(REN'S) ADDRESS(ES)

* Enter Yes or No to indicate previous court experience

I. CHILD(REN) LIVING WITH

- 1 With both parents
- 2 With mother only
- 3 With father only
- 4 With mother and stepfather
- 5 With father and stepmother
- 6 With relatives
- 7 With foster family
- 8 In child care institution
- 0 Elsewhere (specify) _____

PARENTS	OWN PARENTS		STEP PARENT
	Father	Mother	
Full Name		Maiden Name	
Address			
Telephone			
Age or Birthdate			
Birthplace			
Extraction			
Religion			
Education			
Time in county			
Marriage date			
Divorce date			
Divorce place			
Occupation			
Weekly income			
Employer			
If dead, date			

J. MARITAL STATUS OF CHILD'S OWN PARENTS (Not Step Parents)

Report adoptive parents if adoption is completed.

- 1 Married, living together
- 2 Marriage intact, not living together
- 3 Father dead
- 4 Mother dead
- 5 Both parents dead
- 6 Divorced
- 7 Separated, or deserted
- 8 Unmarried
- 9 Legal father not natural father

RELATIVES AND OTHERS INTERESTED IN CHILD(REN)

Name	Age	Relation to Child	Address

K. RACE OF CHILD(REN)

- 1 White
- 2 Negro
- 4 Indian
- 5 Other (specify) _____

M. REASON FOR REFERRAL. Report actual offense, not legal description of offense.

L. SOURCE OF REFERRAL (Where two sources refer a child, select the one making the referral first.)

- 1 Officer of Juvenile Court
- 2 Juvenile Court, other county
- 3 Circuit Court
- 4 Law enforcement officer
- 5 Parent or parents
- 6 Local public welfare agency
- 7 Individual
- 8 M.C.I., B.V.S., or G.T.S.
- 9 State Dept. of Social Welfare
- 10 School
- 11 Health Department
- 12 Private social agency
- 15 Relative
- 16 Foster parent
- 17 Other (specify) _____

Name of referring person _____

N. TYPE OF CASE

- 1 Official case (active petition on file)
- 2-a Unofficial case, retained after completion of investigation
- 2-b Unofficial case, closed upon completion of investigation
- Date closed _____

O. DETENTION OR SHELTER CARE at time of referral

- 1 No overnight care
- CARE OVERNIGHT OR LONGER IN**
- 2 Boarding home
- 3 Detention home
- 4 Other institution
- 5 Jail or police station
- 6 Other place

EVALUATION COPY

JUVENILE FACE SHEET

FAMILY COURT PILOT PROJECT
26th Judicial Circuit
State Of Michigan

A. COUNTY OF _____ B. CASE NO: _____ C. DATE OF REFERRAL _____ WORKER _____

OTHER FAMILY CASES 1. _____ 2. _____ 3. _____ 4. _____

CHILDREN. List, first, children specified in the complaint and check them in the second column; list, next, the other children in the home in order of age.

No. ✓	NAME (print) Last Name First	Age	D. Birthdate	Birthplace	E. Sex	F. Prev. Court Exp.*	School or Employer	Grade or Wage	School Record	Religion- Religious Activity
1										
2										
3										
4										
5										
6										
7										

STATISTICAL ITEMS. Place number in margin by appropriate category. Under Item I or J, two may be listed if two codes apply.

- I. CHILD(REN) LIVING WITH**
- 1 With both parents
 - 2 With mother only
 - 3 With father only
 - 4 With mother and stepfather
 - 5 With father and stepmother
 - 6 With relatives
 - 7 With foster family
 - 8 In child care institution
 - 0 Elsewhere (specify) _____

- J. MARITAL STATUS OF CHILD'S OWN PARENTS (Not Step Parents)**
Report adoptive parents if adoption is completed.
- 1 Married, living together
 - 2 Marriage intact, not living together
 - 3 Father dead
 - 4 Mother dead
 - 5 Both parents dead
 - 6 Divorced
 - 7 Separated, or deserted
 - 8 Unmarried
 - 9 Legal father not natural father

- K. RACE OF CHILD(REN)**
- 1 White
 - 2 Negro
 - 4 Indian
 - 5 Other (specify) _____

- L. SOURCE OF REFERRAL (Where two sources refer a child, select the one making the referral first.)**
- 1 Officer of Juvenile Court
 - 2 Juvenile Court, other county
 - 3 Circuit Court
 - 4 Law enforcement officer
 - 5 Parent or parents
 - 6 Local public welfare agency
 - 7 Individual
 - 8 M.C.I., B.V.S., or G.T.S.
 - 9 State Dept. of Social Welfare
 - 10 School
 - 11 Health Department
 - 12 Private social agency
 - 15 Relative
 - 16 Foster parent
 - 17 Other (specify) _____
- Name of referring person _____

CHILD(REN'S) ADDRESS(ES) _____ * Enter Yes or No to indicate previous court experience

PARENTS	OWN PARENTS		STEP PARENT
	Father	Mother	
Full Name		Maiden Name	
Address			
Telephone			
Age or Birthdate			
Birthplace			
Extraction			
Religion			
Education			
Time in county			
Marriage date			
Divorce date			
Divorce place			
Occupation			
Weekly income			
Employer			
If dead, date			

RELATIVES AND OTHERS INTERESTED IN CHILD(REN)

Name	Age	Relation to Child	Address

M. REASON FOR REFERRAL. Report actual offense, not legal description of offense.

- N. TYPE OF CASE**
- 1 Official case (active petition on file)
 - 2-a Unofficial case, retained after completion of investigation
 - 2-b Unofficial case, closed upon completion of investigation
- Date closed _____

- O. DETENTION OR SHELTER CARE at time of referral**
- 1 No overnight care
 - CARE OVERNIGHT OR LONGER IN
 - 2 Boarding home
 - 3 Detention home
 - 4 Other institution
 - 5 Jail or police station
 - 6 Other place

FAMILY CHARACTERISTICS RECORD

FAMILY COURT PILOT PROJECT
26th Judicial Circuit
State of Michigan

CASE NO. _____ FILING DATE _____ CASE TYPE _____ COUNTY _____ COURT _____

OTHER FAMILY CASES 1 _____ 2 _____ 3 _____ 4 _____

I THE PARTIES	FATHER	MOTHER
Other Marriages		
Any Children		
Religion		
Education/training		
Occupation		
Earnings		
Health		
Marital Status	1. Marriage Intact 2. Separated 3. Divorced 4. Divorce Pending 5. Other (specify)	

II THE CHILDREN								
	Birthdate M - Y - D	Sex	School GPA	Sch. Discipline Problems	Living With	Health	Delinquency	Most recent Case No.
1st Child								
2nd Child								
3rd Child								
4th Child								
5th Child								

III CUSTODIAL HOME CONDITIONS/STABILITY OF HOME						
Home Maintenance & Cleanliness	Crowding Factor	Type of Neighborhood	Family Cohesiveness	Family Attitudes		
				Children	Mother	Father

IV RECOMMENDATIONS OF FRIEND OF THE COURT (MAIN DECISION)	
Custody	
Visitation	
Support	
Alimony	
Hosp/Medical Coverage	
Appearance under Temp OFSA	

Family Characteristics Record

Juvenile and non-Juvenile Family Cases

The family Characteristics Records focused upon the characteristics of the family with which the Court is dealing. Juvenile Officers collected information on juvenile cases, while the Friend of the Court handled other family cases. Because the former are handled in a different manner than the latter, separate case characteristics records were employed for the two areas. However, the main data elements were directly comparable.

The objective behind the Family Characteristics Record in both instances was to identify the family structure and situation, so that interaction between family conditions and Court action could be examined. From this, a statement was to be developed about those conditions under which families are responsive to the Family Court approach, and those under which they are not. In addition, this record facilitates examination of interaction between the incidence of juvenile delinquency, the home environment, and Court activity.

Insofar as possible, the Family Characteristics Record for both juvenile and non-juvenile matters followed the existing information collection procedures of the Probate and Circuit Courts respectively. It was therefore possible to post the information to these records any time after background checks had been by Juvenile Officers and Friends of the Court.

Juvenile Case Characteristics

The data form employed in the collection of family characteristics for juvenile cases was intended to serve a double purpose. It could be used as a Face Sheet upon which juvenile officers could assemble the information they would normally need and collect, and it could also provide the data required for the evaluation. Therefore, parts of form were pre-printed for the use of the juvenile officer. Every other sheet in this pad was an Evaluation copy of the Face Sheet, and juvenile officers simply inserted a carbon paper between the Face Sheet and the Evaluation copy when posting the information they normally collected. Upon completion of the sheet, the Face Sheet was employed as the basic data document in the case, while the Evaluation copy was forwarded to the Project Administrator. In this manner, both operational and evaluational needs were satisfied without duplicate posting. A sample of the form is included as Figure II-4.

Privacy and Security considerations required the elimination of personal identifiers from the evaluation copy of the form. This was accomplished by not using carbon paper when entering such information as names, addresses, telephone numbers, etc. To assist in this exclusion process, the information which was not to be included on the Evaluation copy was framed in a heavy black border on the Face Sheet, and was blocked out on the Evaluation copy.

If personal identifiers were inadvertently reproduced on the evaluation copy, a new form was completed.

Non-Juvenile Family Cases

As previously stated, the Friend of the Court was responsible for collection of the data that was entered on this record. In order to facilitate this process the data form to be employed followed very closely the existing format of the final Friend of the Court report. Because of the unique nature of the form presently used for this report, it was not possible to simply duplicate it for evaluation purposes. Therefore, separate posting of a subset of the information from that form to the Family Characteristics Record was necessary. A copy of the Record is attached as Figure II-5 and it can be seen that all personal identifiers were excluded, but that most other data elements were included.

Follow up Questionnaires

One important area of evaluation of the Family Court Project concerned the reactions of those individuals who are involved in the project, both as operational personnel and as citizens whose lives the project affects. It was therefore desirable to investigate the degree of acceptance of the Family Court concept experienced by these individuals. As was indicated earlier, direct contact of families was ultimately considered undesirable and, therefore, that aspect of the evaluation was eliminated. However, post project questionnaires were distributed to Family Court staff, and judges and Bar Association members were interviewed.

Questionnaire for Court Personnel

The Interim Report produced by Bruce White in cooperation with the 1976-1977 Family Court Project contained comments on the Project by Circuit and Probate Judges, Family Court Clerks, Friends of the Court, Juvenile Officers, Circuit Court Assignment Clerks and Judicial Secretaries, and practicing attorneys. The same set of individuals were polled with respect to the 1977-78 Pilot Project, and the same kinds of questions were asked. These are as follows:

1. Why do you favor or not favor the permanent establishment for the Family Court as structured by the Pilot Project?
2. What impact, if any, has the Family Court Project had upon parties to litigation before the Court in contrast to conventional Circuit Court of Juvenile proceedings?
3. What has been the effect of the Project's operations, if any, upon your Court in terms of case backlog, processing time, and type of cases handled?
4. Would permanent establishment of a Family Court increase or decrease your present workload or that of your department or office, and if so, to what degree?
5. What additional duties or functions, if any, could or should your office assume under a permanently established Family Court? What duties or functions of your office, if any, could or should be assumed by or be combined with those of other offices or departments under a permanently established Family Court, and what effect, if any, would such changes have upon the staffing needs of your office?
6. What changes in the Project structure, if any, should be made in the legislative establishment of a permanent Family Court?

Answers to the above questions were frank and informative, and are discussed subsequently in Chapter IV.

III. Organization of the 26th Judicial Circuit

The 26th Judicial Circuit is comprised of four Northern Michigan counties: Alpena, Cheboygan, Montmorency and Presque Isle. Each of these counties is primarily rural, and low ranked in terms of population and per capita personal income relative to other counties in the State. In this sense the area is characteristic of rural Michigan areas and may be viewed as representative of them. It is obviously not comparable to heavily populated sections of the state such as Wayne County and Oakland County.

Prior to the implementation of the Pilot Project the Circuit had two full time Circuit Court judges, one full time Probate Court judge (Alpena) and three part time Probate judges (one for each of the other three counties). The Circuit Court judges traveled to each of the four counties for Circuit Court business, and Probate Court activities were restricted to those normally assigned to that section of the system.

The implementation of the Family Court concept through the Pilot Project required reorganization of the case processing system of the Circuit in three separate areas. The first of these concerned the judge hearing the cases. In order for the Family Court idea to be in operation a single judge would have to hear both Probate and Circuit court family matters. The second integration concerned the case files and the record keeping relating to the cases that the circuit handled. Under the present Michigan system Circuit Court files are maintained under the control of the County Clerk while Probate Court files are under the control of the Probate Registrar. The Family Court idea would require the integration of record keeping for family cases into a single location and under the control of a single authority. Whether the County Clerk or the Probate Registrar would be designated as this authority, or whether some other at present non-existent staff would be established would be determined by the nature of the Family Court that was introduced. The third area in which integration is required for the family court idea to work is the background investigation into the families whose litigation is before the court. At the present time the Friend of the Court handles investigations for Circuit Court while Juvenile Officers handle the investigations in Probate Court. Since the essence of the family court notion is to place before the judge an integrated set of data concerning the family it would clearly be necessary for the background investigation function to also be integrated. Again, whether this was handled by the existing Friend of the Court or by the existing juvenile officer or by some other kind of process would be a function of the type of family court implemented.

The pilot project for the 26th Judicial Circuit adopted a model of the family court which expanded the role of the existing Probate Court judges to include family matters presently heard in Circuit Court. The objective behind this strategy is captured by the following paragraph from the grant application:

The effect and intent of these assignments is to invest each of the four probate judges, and the two circuit judges, with authority to sit, either alternatively or simultaneously, as probate judge or circuit judge in any or all of the four counties of the circuit and to exercise in any given case or related cases in any court the combined authority and jurisdiction of the probate and circuit courts.

What this means, of course, is that each Probate judge would assume total responsibility within the county of residence for that judge, not only for all juvenile family related matters but also for divorce, custody and other domestic relation matters presently handled in Circuit Court. In order to accomplish this, each of the probate judges was, through the utilization of project funds, made into a full-time rather than a part-time judge. Because of varying case loads from county to county, and because project funds were limited, the judges agreed to restrict the total amount of time spent on the additional family court matters to a specific number of days per month, the details of which can be seen in the grant application itself.

This strategy clearly created the authority for each of the Probate judges to act as a fully authorized Family Court judge. It left in place the normal function of the Circuit judge, such that in the event that the project was unsuccessful or the Probate Court judge was unable for some reason to exercise fully the authority granted under this temporary assignment, the existing Circuit Court judge or judges could resume their domestic relations functions. As will be discussed later in the report, the nature of the relationship between a Circuit Court judge and a Family Court judge was a matter of some concern to attorneys in the Circuit.

The other two areas in which integration is required for the family court concept to be implemented concern record keeping and background investigations. Because the pilot project operated in a statutory environment which places restrictions on the manner in which records are to be kept by the County Clerk and by the Probate Registrar, it was not possible to establish a fully integrated family based case file system. This situation is summarized in paragraph 17 of the Methods and Procedures Section of the grant application:

The official case file of the Circuit Court cases assigned to the family court project shall be in compliance with the statutory requirements remain in the custody and be the responsibility of the county clerk of each of these respective counties as designated clerk of the Circuit Court. The Circuit Court clerk shall therefore, assume the role of family court clerk regarding such cases during the existence of the project.

The inability to integrate juvenile records and domestic relations records into a single family based file during the life of the project introduced a number of complications. First, substantial inconvenience was experienced by clerical staff of both Probate and Circuit courts as a consequence of the physical separation of the files from the office in which they were to be used. What was necessary whenever a domestic relations file was needed by the Family Court (i.e., probate) judge was that a request had to be made by the Probate Registrar staff to the County Clerk staff for the relevant file. This file would then be transported from one physical location to another and subsequently returned. This was a cumbersome and unwieldy system which tended to maintain the bifurcation of Circuit Court and Probate Court rather than facilitate their integration.

A similar sort of situation existed with respect to background investigations. Under the existing Michigan system a Friend of the Court is statutorily responsible for the preparation of a recommendation to the Circuit Court judge on domestic relations matters involving custody of minor children or on contested domestic relations issues. The juvenile officer, on the other hand, is responsible to the probate judge for investigations into the family background of juveniles brought before the court as either status or criminal referrals, and for the investigation of families in abuse and neglect cases. All advocates of the family court concept stress the importance of having a single background investigation, conducted by one individual, or at least by one office. This was in fact the intent of the pilot project. Paragraph 18 of the Method and Procedures section of the proposal states as follows:

Throughout the duration of the project, the office of the Friend of the Court of each county shall be responsible to the resident Probate judge and assigned Circuit judge for the project domestic cases, to permit the combined utilization of the existing Friend of the Court staff and the Probate and juvenile staff in the performance of similar support duties and responsibilities.

However, the actual operation of the pilot project did not turn out this way. The Friend of the Court of each county did assume responsibility to the resident Probate judge for domestic relations background investigations, but the combined utilization that was the clear intent of the procedure appears never to have been implemented. Partly this is because the counties are not all large enough to sustain a full time Friend of the Court and partly because the division of interest between Friend of the Court and juvenile officers was too great to overcome. This fact is more fully documented in Section V when the interviews of court personnel are discussed.

In an attempt to accommodate the statutory requirement that records in Circuit court be maintained separate from records in Probate court and to address the juvenile officer-Friend of the Court problem, a case linking process was established during the life of the project. This case linking process sought to identify the full range of cases in which a family had been involved, whether those cases were in Circuit court or Probate court. For instance, let us say a

delinquency matter was brought before Family court, involving Probate court case files. In this situation either the Probate court staff or the juvenile officer would transmit to the County Clerk the name and other identifying material relative to this case in order that a search could be made of the Circuit court files for domestic relations cases involving the same family. The reverse process would take place if a domestic relations case was filed. The objective here was to then bring before the judge the case files relevant to that family even if those case files came from two different record keeping systems.

The nature of the situation made it impossible to verify the degree to which this actually occurred. In the early stages of the second twelve month period of the project it appears to have taken place very little. In the middle to late stages of that period the system was clearly being followed to some extent. The proportion of cases for which such linkages were established is discussed in more detail in Section IV, but in general it will be seen that the proportion was very low for most types of cases. Whether this is because of an inadequate linkage between the two record keeping systems, or because the number of dual jurisdiction cases is really quite low, is difficult to determine.

In conclusion, then, it is clear that though the Family court notion was adopted with respect to the judges hearing cases, it was not implemented with respect to record keeping or with respect to background investigations of families. Responsibility for this failure should not be attributed to the personnel of the Circuit or to the project model, but rather to the dominating characteristics of the situation in which the project was implemented. Statutory and political considerations, in other words, maintained the barrier between Circuit court domestic relations cases and Probate court juvenile cases in a similar manner to the way it had existed prior to the implementation of the pilot project.

IV. Case Processing During the Pilot Project

In this section discussion and analysis of the data collected during the project for the evaluation will be undertaken. The data fall into three general categories: case records data, consisting of juvenile facesheets, family characteristic records and case transactions records; data on the activities and time expenditures of judges and staff members of the court, reported in diary fashion at various stages of the project; and individual case studies which were developed in a narrative basis by the project administrator, Joanna Neal. Each category of data will be presented sequentially.

Case Data

The case data are of two types: case transactions and case characteristics. The latter are derived from two sources, the Friend of the Court family characteristics report and the juvenile officer's background investigation. Tables VI-1 and VI-2 present the number of records of each type that were produced during the project period. From Table VI-1 it can be seen that there were 1623 case transaction records of various case types prepared by project staff. Fifty percent of these were from the County of Alpena and another thirty five percent were from the County of Cheboygan. All of these numbers are probably an inflated estimate of the number of cases which were active during the project period, since a number of the records were for cases which quite clearly had had no action for a substantial period of time, even though they were still showed as being open on the court ledgers.

It can be seen that more than one-third of the cases handled by the family court were divorce cases and that an additional twenty percent were juvenile delinquency cases.

The table is organized by county and within each case type cases are broken down according to whether or not they were the only case the family had before the court, or whether there were other Probate or Circuit court cases which had, at sometime, involved the family. To illustrate, the Alpena divorce case total is 251. Of those, 192 were identified in the table as single cases. This means that there was no record of any other Circuit or Probate court case from that family. Thirty four of the 251 cases had Probate court records as well as the divorce case that was currently being processed, and twenty-five had other Circuit court cases of one kind or another. The other Probate and Circuit court cases were not necessarily simultaneous with the divorce case, however. In fact, it is likely that the vast majority of them were not simultaneous. Therefore, even though for thirty four of those divorce cases in Alpena there is an appearance of dual jurisdiction, that number is actually an overstatement.

Table IV-2 contains data on the family characteristics record prepared by the Friends of the Court for each county and juvenile face sheets. Again, the data are organized according to whether or not there were single cases, other Probate cases, or other Circuit court cases. However, the data are not broken down by case type since that would

be a duplication of the data presented in Table IV-1. Some of the problems that have been experienced with processing the data can be illustrated by comparison of information in Table IV-2 with that in Table IV-1. There were, for instance, 76 juvenile face sheets returned from the County of Alpena, but as can be seen from the juvenile delinquency and juvenile abuse figures, there are 144 case transactions records reported. Therefore, the number of juvenile face sheets should have been substantially larger. When Cheboygan is considered, the reverse situation can be seen to be in effect. The case transactions records for juvenile cases (delinquency and abuse combined) number 162, but the juvenile face sheets number 200. Similar inconsistencies can be observed for the other counties. Difficulties were compounded further by the fact that within each type of record there was a good deal of missing data and a good deal of inadequate identification of case numbers. A consequence of this situation was that little in the family characteristics or home background warranted detailed examination. In addition, because of the fact that the case number was intended to be the link which would bring together the various kinds of records, the frequent absence of it made the link of dubious value. Consequently, a good deal of the data analysis that might have been done has been impossible.

It is possible, however, to examine the degree to which the family court concept is relevant to the data collected during the period, and also to examine the processing times of juvenile and divorce cases. Information for these statistics was recorded in a large enough number of cases to make the discussion worthwhile.

Table IV-3 contains the percent of families with more than one case, organized by casetype, county, and court. Thus, in Alpena, 14% of the families who were involved in abuse cases had other probate court cases at some time, and 14% of the cases had circuit court cases at some time. In Cheboygan, the figures were 59.3% and 7.4%, respectively. It should be remembered that the total number of cases for which records were available for that particular case type was rather low, and therefore a very small number of cases in one particular category would make the percent of cases in that category unusually high. A more reliable estimate of the relevance of the family court concept to the cases which the circuit was processing can be obtained by looking at the divorce and juvenile figures. Both of these case types had a large enough number of cases for each county that the percentage statistics can be considered more reliable. For divorce cases, it can be seen that on the average, 12.1% had some sort of Probate court history. In other words, in a Family Court structure, Probate court records which would have not been available under the existing Michigan system could have been used in 12.1% of the cases. For juvenile cases, the corresponding figure is 7.7%. Similar figures are identified for each of the other case types by the asterisk in the Circuit totals column of Table IV-3.

It should be stressed again that the cases identified by an asterisk do not necessarily correspond to that percent which have simultaneous dual jurisdiction. It simply means that at some time the families involved have had cases in both Probate and Circuit court. Therefore, the figures presented in Table IV-3 can be viewed as an upper bound on the relevance of the family court concept.

Case processing time during the pilot project is assessed for divorce and juvenile cases in Tables IV-4 and IV-5, respectively. Because of the fact that pre-project information on divorce cases was too limited to warrant inclusion in this table, the number of days between filing and divorce by county are presented only for those cases which were processed during the project period. There is therefore no basis for comparison with earlier periods. However, it can be seen that approximately 37% of all the divorce cases handled in the Circuit were settled within 180 days of filing. Eighty nine percent were settled within one year of filing. From the information presented to the evaluator by attorneys in the system, this was a substantial improvement in case processing time over pre-project conditions. We can therefore infer with a reasonable degree of confidence that one of the impacts of the pilot program was to reduce case processing time for divorce cases.

Similar statistics are presented for juvenile cases in Table IV-5, and in this instance information was available from Case Transaction Records on pre-project cases. As a consequence, even though the number of pre-project cases for which information was developed is rather low, comparisons are possible. The table is divided into two kinds of processing times: the first is the number of days between the referral and the first hearing, and the second is the number of days between the referral and the final action in the case. Comparisons of the total figures indicate that for the circuits as a whole, a much larger number of cases went to an initial hearing in the first two weeks after the filing than in the pre-project period. The relative figures are 62% during the project, and 30% before the project. Making the assumption that a speedy response to juvenile referrals is desirable, case handling during the project therefore shows a substantial improvement over the pre-project situation. A similar conclusion may be drawn when considering the number of days between referral and final action. Approximately 13% of the cases in the pre-project period were handled within 30 days, while the comparable figure during the project was 38%. 60% of pre-project cases took longer than 90 days, while only 24% exceeded that time during the project.

These figures for divorce and juvenile cases clearly indicate that processing times were shorter during the project than before it, and though causality is impossible to directly establish it seems reasonable to infer that the greater availability of judicial manpower was at the least a contributing factor. That is to say, even though the additional time allocated to each county was for the purpose of handling the domestic relations cases which were added to the existing Probate judge workload, there seems to have been a carry-over to juvenile case processing as well.

One further comparison between pre-project and project conditions is possible. Some data were available on the final disposition for juvenile cases for both periods and these are presented in Table IV-6. The number and percentage of dispositions by each disposition type can be compared from the pre-project to the project period and though the differences between these statistics are not great, there seems to be a trend during the project towards somewhat more lenient decisions by the judges. For instance, in the pre-project period, 34.6% of all the cases were placed on probation while the comparable figure during the project was only 20.9%. Conversely, 26.9% of the pre-project cases were dismissed outright compared to 32.7% during the project. The differences between these figures resulted in a larger number of project placements in home conditions, which might in turn be interpreted as reflecting a more lenient judicial orientation.

It is difficult to explain these differences as a consequence of the family court implementation, however, since the judges involved in them were the same judges who previously handled the same kind of cases.

Judge Time Reports

During the course of the study, judges were asked to report in diary fashion the time expended during their normal working day. Their reports were to identify the case by number if their activities were case related and to exclude the case number if they were not. The type of activity was identified, as was illustrated in Section II of this report. At the end of the project, an attempt was made to match the cases on which the judges had worked with the cases for which case transactions records and the characteristics records had been returned. It was presumed that a high percentage of the cases would correspond, and that it would then be possible to associate the event structure for a given case with the time expended by the judge on that particular case. In fact, this matching process did not work as intended. Table IV-7 shows the number of matches that were established between judge time records and case transactions records. It is clear from the distribution of the table that only in divorce and juvenile cases were the number of matches sufficient to justify inter-county and inter-case type comparisons of any consequence. Furthermore, for the reasons stated during the discussion of the case transactions records and the family characteristics records, the quantity of missing data on those made an event structure or case characteristics analysis of relatively little value. Therefore, in this section on the judge time reports, analysis of the manner in which the time is distributed by county and case type will be conducted, but no effort will be made to associate the time with cases that possess particular characteristics (for example, those in which the juveniles came from broken homes or those where the divorce petition involved custody and those where it did not). Questions of that nature are important, but they are largely inaccessible through the data that has been collected.

Table IV-8 presents the judge time broken down by bench, non-bench, and non-case related time for each of the four counties in the circuit. Perhaps the most obvious characteristics of that particular table is the variation between counties in the manner in which judge time was expended. In Alpena, for instance, 59.6% of all the judge time reported was spent on the bench, compared to 28.5% and 23.6% in Cheboygan and Montmorency, respectively. At the other end of judicial activities, non-case related time amounts to only 7% of all time reported in Alpena and ranged up to 36% of all time in Presque Isle. These differences are perhaps a function of the different caseloads in the two counties and highlight the fact that the family court judges faced radically different levels of demand from incoming cases, depending on their county or residence.

Table IV-9 presents a further breakdown of judge time by associating it with the type of activity in which the judge was involved. These activities have been divided up into pre-adjudication and post-adjudication matters and a general category which might or might not be case related. The time reported is the time in minutes spent on that particular activity in each county, while the number is the number of events of that type that took place. The average is then simply the average time expended on each event type. Therefore, with respect to pre-adjudication motions, the Alpena average was 22.2 minutes, compared to 22.9, 47.5, and 12.5 for Cheboygan, Montmorency, and Presque Isle respectively. The characteristic previously noted -- of widely differing conditions from county to county -- is repeated in this table. In Alpena, for instance, the average trial lasted a little over an hour, whereas in Montmorency it lasted a little over twenty minutes. Similarly, more than 50% of all time reported by the Presque Isle judge was spent on administrative matters compared to only 8.3% for the Alpena judge. A similar diversity exists with respect to practically

every activity that is contained in the table, and if any general conclusion can be drawn from the distribution of these data, it is that the expenditures of judicial time are anything but consistent from county to county. This suggests substantially different case handling practices from judge to judge, since it seems unlikely that the characteristics of the case differ very greatly from one county to another. This implies that the operation of a Circuit such as this could perhaps benefit from a standardized case processing system, with the establishment of guidelines for judges to follow in the management of their time. It also suggests that when the caseload in a particular county is low, a larger proportion of the time allocated to that county will not necessarily be spent on case related activities. In Alpena and Cheboygan, for instance, both of which have substantially larger case loads than Montmorency and Presque Isle, bench activities occupy a much greater proportion of the judges' time and also last longer.

Table IV-10 carries the data a step further and breaks it down according to the type of case on which the time was expended. The statistics are reported here as a percentage of time expended on a particular case type and with an average associated with that percentage. For instance, post-adjudication motions for guardianship cases in Alpena occupy 12% of the time expended on guardian ship cases in that county. The average time for such motions is 30 minutes. It is therefore possible to look at any given case type and to compare the counties directly by looking at both the percentage of time expended for the given activity on that case type and for the average time that the particular kind of activity took. As an example, trials for divorce cases ranged from 50% of the time expended on such cases in Alpena to 13% of the time in Montmorency, with the other two counties falling in between these two extremes. The average time taken by trial for that case type ranges from twenty minutes in Montmorency to 49 minutes in Alpena. The balance of the table can be examined in similar fashion.

Again the general conclusion has to be that radical differences exist from county to county in the nature of the activities that are undertaken with respect to given case types, and in the amount of time those activities take.

The final table in the analysis of judge time -- Table IV-11 -- contains the percent of time reported by each family court judge on five of the case types. The table is illuminating in the sense that it demonstrates that the family court judges spent a greater proportion of their time on what were previously Circuit court cases (particularly divorce cases) than on any other case type with which they dealt. This was true for each county, even though the range of time spent on divorce cases from county to county was great. Whether this is a consequence of lack of familiarity with that particular case type, or of the true demands of divorce cases is difficult to ascertain since comparative pre-project statistics do not exist.

Staff Time Reports

For two different periods during the project, Circuit Court and Probate Court staff reported time expended on Family Court business. The original intent with respect to these time records was similar to that expressed for judge records. Association of the time reported was to be made with the particular case on which the time was expended. However, this proved impossible, partly for the reason stated above and partly because in the staff time records the adherence of staff members to the requirement that a particular case be uniquely identified was highly inconsistent. Some staff members reported conscientiously in a manner that would have permitted association of their time with the particular case, but others did not. As a consequence, it was impossible to obtain anything resembling a representative distribution of time expenditure by particular case or by case type. As a consequence, the time reports from the staff are of limited value in the evaluation. Table IV-12 presents the time recorded by the staff broken down by activity type within each county. The first three columns in the table represent what is basically clerical activity while the last two columns in the table represent activities by the Friend of the Court and the Juvenile Officer, and include background investigations and counseling. Naturally, the staff of the County Clerk, the Probate Registrar, and the Friend of the Court spent time in court and on case related activities as well as on general-clerical work. The reverse is also true of the Friend of the Court and the Juvenile Officer. However, it can be seen from the distribution of the time within each of the counties that the County Clerk, Probate Registrar, and Friend of the Court staff spend most of their time on general clerical work. This ranges from a low of 30% for the staff of the Friend of the Court in Montmorency to a high of 90.6% of the County Clerk staff in the same county. It should be noted that in Montmorency, the Friend of the Court, is also the Juvenile Officer.

One of the interesting facts to be derived from the table concerns the distribution of time of the Friends of the Court and the Juvenile Officers between administrative clerical work on the one hand and home visits and counseling on the other. In Alpena and Presque Isle, the former activity occupies a substantially greater proportion of the time of both officers than does the latter. In Cheboygan, the situation is reversed for the Juvenile Officer, and there are no data from

the Friend of the Court to make a comparison. In Montmorency, the juvenile officer spends more than twice as much time conducting home visits and counseling sessions as is spent on administrative or clerical work. Again, these differences between the counties suggest a diversity in the way in which cases are handled and raises the possibility that standardized processing might introduce substantial efficiencies. From the Family Court point of view, it seems clear that a much larger proportion of time would have to be spent on background investigations by both the Friend of the Court and the Juvenile Officer (or whatever authority is established in their place) than is presently the case.

Individual Case Studies

In accordance with the extension of the project period which was arranged in order to expand the interviews that were done with court staff and to permit a more qualitative assessment of the operation of the Family Court, the Project Administrator, Joanna Neal, searched through the case files of the Family Court in each of the four counties in order to develop narrative case studies which would illustrate the operations of the family court concept. The case studies are presented verbatim and inasmuch as they are self-explanatory, are presented without further individual comment. Examination of them indicates that the scope of the investigations that are done into the background of the family are critical determinants of the success of the Family Court idea. A background check which is cursory or which is limited to the ability of the party to pay support is not adequate for the family court concept to be a success. These studies, which are limited in number, but which probably represent fair sampling of those cases in the 26th Judicial Circuit for which the family court concept was relevant, are strong support for the introduction of the family court, provided the state is willing to establish a system which is different than the existing one in order to benefit a quite limited number of cases.

TABLE IV-1
SUMMARY OF CASE TRANSACTION DATA BY CASETYPE

	ALPENA	CHEBOYGAN	MONTMORENCY	PRESQUE ISLE	TOTALS
ADOPTION TOTAL	51	21	7	17	96
Single Cases	44	11	7	15	77
Other Probate	6	1	-	1	8
Other Circuit	1	9	-	1	11
DIVORCE TOTAL	251	186	39	69	545
Single Cases	192	143	34	58	427
Other Probate	34	25	2	5	66
Other Circuit	25	18	3	6	52
GUARDIANSHIP TOTAL	269	96	18	9	392
Single Cases	233	86	13	9	341
Other Probate	28	10	5	-	43
Other Circuit	8	-	-	-	8
JUVENILE ABUSE TOTAL	14	27	-	2	43
Single Cases	10	9	-	2	21
Other Probate	2	16	-	-	18
Other Circuit	2	2	-	-	4
JUVENILE DELINQUENCY TOTAL	130	135	23	37	325
Single Cases	82	98	14	21	215
Other Probate	42	25	6	12	85
Other Circuit	6	12	3	4	25
LEGAL INCAPACITY TOTAL	19	24	5	6	54
Single Cases	10	17	5	5	37
Other Probate	6	4	-	-	10
Other Circuit	3	3	-	1	7
PATERNITY TOTAL	22	33	5	-	60
Single Cases	19	20	5	-	44
Other Probate	3	13	-	-	16
Other Circuit	-	-	-	-	-
URES TOTAL	55	33	20	-	108
Single Cases	47	26	12	-	85
Other Probate	4	6	7	-	17
Other Circuit	4	1	1	-	6
TOTALS	811	555	117	140	1623

TABLE IV-2
BACKGROUND INVESTIGATION REPORTS BY COUNTY

	ALPENA	CHEBOYGAN	MONTMORENCY	PRESQUE ISLE	TOTAL
Characteristics Record					
Single Cases	208 (83.9)	84 (88.4)	18 (90.0)	55 (100.0)	357 (85.4)
Other Probate	20 (8.1)	3 (3.2)	1 (5.0)	-	24 (5.7)
Other Circuit	28 (11.3)	8 (8.4)	1 (5.0)	-	37 (8.9)
Totals	248 (59.3)	95 (22.7)	20 (4.8)	55 (13.2)	418 (100.0)
Juvenile Face Sheets					
Single Cases	49 (64.4)	96 (48.0)	16 (80.0)	43 (54.4)	204 (54.4)
Other Probate	21 (2.8)	53 (26.5)	4 (20.0)	22 (27.8)	100 (26.7)
Other Circuit	6 (7.9)	51 (25.5)	-	14 (17.7)	71 (18.9)
Totals	76 (20.3)	200 (53.3)	20 (5.3)	79 (21.1)	375 (100.0)

Note: Figures in parentheses are percentages

TABLE IV-3
PERCENT OF FAMILIES WITH MORE THAN ONE CASE

	ALPENA		CHEBOYGAN		MONTMORENCY		PRESQUE ISLE		CIRCUIT TOTALS	
	Probate Court	Circuit Court	Probate Court	Circuit Court	Probate Court	Circuit Court	Probate Court	Circuit Court	Probate Court	Circuit Court
ABUSE	14.0	14.0	59.3	7.4	-	-	-	-	41.9	9.3*
ADOPTION	11.8	1.9	4.8	42.8	-	-	5.9	5.9	8.3	11.5*
DIVORCE	13.5	10.0	13.4	9.7	5.1	7.7	7.2	8.7	12.1*	9.5
GUARDIANSHIP	10.4	3.0	10.4	-	27.8	-	-	-	11.0	2.0*
JUVENILE	32.3	4.6	18.5	8.9	26.0	13.0	32.4	10.8	26.2	7.7*
INCAPACITY	31.6	15.8	16.7	12.5	-	-	-	16.7	18.5	13.0*
PATERNITY	13.6	-	39.4	-	-	-	-	-	26.7	-
URESA	7.3	7.3	18.2	3.0	35.0	5.0	-	-	15.7*	5.6

* Identifies those cases involving families that, under the existing Michigan system, have current or past cases in both Probate and Circuit Courts.

TABLE IV-4
NUMBER OF DAYS BETWEEN FILING
AND DIVORCE BY COUNTY

	<u>Alpena</u>	<u>Cheboygan</u>	<u>Montmorency</u>	<u>Presque Isle</u>	<u>Totals</u>
Less than 60 days	2 (1.6)	2 (2.1)	1 (4.2)	-	5 (1.8)
60 - 90 days	15 (12.2)	21 (21.7)	3 (12.5)	4 (10.8)	43 (15.3)
91 - 180 days	25 (20.3)	17 (17.5)	5 (20.8)	9 (24.3)	56 (19.9)
181 - 365 days	69 (56.1)	49 (15.5)	13 (54.2)	15 (40.5)	146 (52.0)
More than 1 year	12 (9.8)	8 (8.2)	2 (8.3)	9 (24.3)	31 (11.0)
Totals	123 (43.8)	97 (34.5)	24 (8.5)	37 (13.2)	281 (100.0)

TABLE IV-5

NUMBER OF DAYS BETWEEN REFERRAL AND ACTION IN JUVENILE CASES

	Before April 1977					April 1977 - March 1978				
	Alpena	Cheboygan	Montmorency	Presque Isle	Total	Alpena	Cheboygan	Montmorency	Presque Isle	Total
A. Referral to First Hearing										
1 - 7 days	-	12 (22.2)	1 (12.5)	2 (18.2)	15 (18.9)	36 (30.0)	17 (18.3)	1 (14.3)	7 (30.4)	61 (25.1)
8 - 15 days	3 (50.0)	5 (9.3)	-	1 (9.1)	9 (11.4)	67 (55.8)	19 (20.4)	-	4 (17.4)	90 (37.4)
More than 15 days	3 (50.0)	37 (68.5)	7 (87.5)	8 (72.7)	55 (69.6)	17 (14.2)	57 (61.3)	6 (85.7)	12 (52.2)	92 (37.9)
TOTALS	6 (7.6)	54 (68.4)	8 (10.1)	11 (13.9)	79 (100.0)	120 (49.4)	93 (38.3)	7 (2.9)	23 (9.5)	243 (100.0)
B. Referral to Final Action										
Less than 15 days	1 (9.1)	4 (5.6)	1 (12.5)	-	6 (5.8)	50 (35.2)	15 (12.0)	1 (14.3)	4 (15.3)	70 (23.3)
16 - 30 days	1 (9.1)	6 (8.5)	-	1 (7.7)	8 (7.8)	18 (12.7)	23 (18.4)	1 (14.3)	1 (3.8)	43 (14.3)
31 - 90 days	2 (18.2)	18 (25.4)	1 (12.5)	-	21 (20.4)	43 (30.3)	62 (49.6)	2 (28.6)	8 (30.8)	115 (38.3)
More than 90 days	7 (63.6)	43 (60.6)	6 (75.0)	12 (92.3)	68 (60.0)	31 (21.8)	25 (20.0)	3 (42.8)	13 (50.0)	72 (24.0)
TOTALS	11 (10.7)	71 (68.9)	8 (7.8)	13 (7.6)	103 (100.0)	142 (47.3)	125 (41.6)	7 (2.3)	26 (8.7)	300 (100.0)

TABLE IV-6

FINAL DISPOSITIONS FOR JUVENILE CASES

Final Disposition	Pre-Project Petitions					Project Petitions, March 1977 to April 1978				
	Alpena	Cheboygan	Montmorency	Presque Isle	Total	Alpena	Cheboygan	Montmorency	Presque Isle	Total
Own Home, Ward of Court		4 (8.2)			4 (5.1)	14 (10.3)	12 (10.2)			26 (9.1)
Foster Home		1 (2.0)		1 (8.3)	2 (2.6)	8 (5.9)	2 (1.6)		1 (4.0)	11 (3.8)
Group Home		1 (2.0)		1 (8.3)	2 (2.6)	8 (5.9)	6 (5.1)			14 (4.9)
Relatives Home		2 (4.1)			2 (2.6)	1 (.7)	1 (.8)			2 (.7)
Training School	1 (11.1)	2 (4.1)			3 (3.8)	1 (.7)	1 (.8)			2 (.7)
Probation		16 (32.7)	5 (62.5)	6 (50.0)	27 (34.6)	4 (2.9)	34 (28.8)	5 (62.5)	17 (68.0)	60 (20.9)
Jail, Other Detention	1 (11.1)		2 (25)		3 (3.8)	3 (2.2)	7 (5.9)			10 (3.5)
Dismissed	3 (33.3)	5 (10.2)	1 (12.5)	4 (33.3)	21 (26.9)	58 (42.6)	24 (20.3)	2 (25)	4 (16.0)	88 (30.7)
State Hospital, Private Agency		1 (2.0)			1 (1.2)	1 (.7)				1 (.3)
Other	4 (44.4)	17 (34.7)			21 (26.9)	38 (27.9)	31 (26.3)	1 (12.5)	3 (12.0)	73 (25.4)
Total	9 (11.5)	49 (62.8)	8 (10.3)	12 (15.4)	78 (100.0)	136 (47.4)	118 (41.1)	8 (2.8)	25 (8.7)	287 (100.0)

Note: Figures in parentheses are percentages.

TABLE IV-7

NUMBER OF MATCHES BETWEEN JUDGE TIME RECORDS
AND CASE TRANSACTION RECORDS

	<u>Alpena</u>	<u>Cheboygan</u>	<u>Montmorency</u>	<u>Presque Isle</u>	<u>Totals</u>
ABUSE	4 (1.6)	87 (18.2)	-	-	91 (9.6)
ADOPTION	44 (17.1)	9 (1.9)	3 (3.2)	3 (2.4)	59 (6.2)
DIVORCE	82 (31.8)	175 (36.7)	37 (40.2)	68 (54.8)	362 (38.0)
GUARDIANSHIP	81 (31.4)	24 (5.0)	-	3 (2.4)	108 (11.3)
JUVENILE	46 (17.8)	153 (32.0)	36 (39.0)	43 (34.7)	278 (29.2)
INCAPACITY	1 (.4)	24 (5.0)	-	7 (5.6)	32 (33.6)
PATERNITY	-	2 (.4)	1 (1.0)	-	3 (.3)
URESAs	-	4 (.8)	15 (16.3)	-	19 (2.0)
TOTALS	258 (27.1)	478 (50.2)	92 (9.7)	124 (13.0)	952

TABLE IV-8 BENCH TIME, NON-BENCH TIME AND NON-CASE RELATED TIME

	<u>ALPENA</u>	<u>CHEBOYGAN</u>	<u>MONTMORENCY</u>	<u>PRESQUE ISLE</u>	<u>TOTAL</u>
Bench Time	11,420 (59.6)	8,312 (28.5)	1,452 (23.6)	8,008 (49.6)	29,165 (41.3)
Non-Bench Time But Case Related	6,383 (33.3)	17,458 (59.8)	3,385 (56.0)	2,320 (14.4)	29,546 (41.9)
Non-Case Related	1,348 (7.0)	3,424 (11.7)	1,230 (20.4)	5,804 (36.0)	11,806 (16.7)
Totals	19,151 (27.2)	29,194 (41.1)	6,040 (8.6)	16,132 (22.9)	70,517 (100.0)

Note: Figures in parentheses are percentages

TABLE IV-9 JUDGE TIME EXPENDED BY ACTIVITY TYPE

	ALPENA			CHEBOYGAN			MONTMORENCY			PRESQUE ISLE			TOTALS ^a	
	Time	Number	Average	Time	Number	Average	Time	Number	Average	Time	Number	Average	Time	Average
<u>Pre-Adjudication</u>														
Motions	955 (5.4)	43 (12.4)	22.2	367 (1.4)	16 (2.3)	22.9	475 (9.9)	10 (5.3)	47.5	25 (.2)	2 (15)	12.5	1822 (3.1)	25.7
Conferences	1155 (6.5)	37 (10.6)	31.2	2050 (8.0)	60 (8.7)	34.2	1060 (22.0)	43 (22.6)	24.7	714 (6.9)	61 (14.5)	11.7	4979 (8.5)	24.8
Prelim Hrsg	725 (4.1)	14 (4.0)	51.8	1655 (6.4)	44 (6.4)	37.6	75 (1.5)	2 (1.1)	37.5	595 (5.8)	18 (4.3)	33.1	3050 (5.2)	39.1
<u>Adjudication</u>														
Hearings/Trials	7440 (4.2)	122 (35.1)	61.0	5115 (19.8)	129 (18.7)	39.7	620 (12.9)	30 (15.8)	20.7	1430 (13.8)	52 (12.3)	27.5	14605 (24.9)	43.9
<u>Post Adjudication</u>														
Motions	620 (3.5)	20 (5.7)	31.0	605 (2.3)	16 (2.3)	37.8	-	-	-	35 (.3)	3 (.7)	11.7	1260 (2.1)	32.3
Conferences	360 (2.0)	7 (2.0)	51.4	340 (1.3)	5 (17)	68.0	210 (4.4)	11 (5.8)	19.1	394 (3.8)	36 (8.5)	10.9	1304 (2.2)	22.1
Hearings	1680 (9.4)	42 (12.1)	40.0	570 (2.2)	21 (3.0)	27.1	255 (5.3)	10 (5.3)	25.5	235 (2.3)	13 (3.1)	18.1	2740 (4.7)	31.9
<u>General</u>														
Research/opinions	3390 (19.0)	30 (8.6)	113.0	4511 (17.5)	143 (20.7)	31.6	195 (4.1)	6 (3.2)	32.5	1475 (14.3)	76 (8.0)	19.4	9571 (16.3)	37.5
Administration	1478 (8.3)	33 (9.5)	44.8	7457 (28.9)	239 (34.6)	31.2	1700 (35.3)	75 (39.5)	70.9	5185 (50.2)	157 (37.2)	33.0	15820 (26.9)	31.4
Travel	-	-	-	3100 (12.0)	18 (2.6)	172.2	220 (4.6)	3 (1.6)	5.8	240 (2.3)	4 (.9)	60.0	3560 (6.1)	142.4
	17803 (30.3)	348 (21.1)	51.2	25770 (43.9)	691 (41.9)	37.3	4810 (8.2)	190 (11.5)	25.3	10328 (17.6)	422 (25.6)	24.5	58711 (100.0)	35.6

^aTotal Number of Activities Reported by Family Court Judges = 1651

NOTE: Figures in parenthesis are percentages

TABLE IV-10 EXPENDITURE OF JUDGE TIME BY CASE TYPE AND ACTIVITY TYPE

	Pre-Adjudication				Adjud		Post Adjudication				Res/Opin		General		Travel				
	Motions	Confs	Prelims	HRGS/Trials	Motions	Confs	HRGS	Res/Opin	Admin	Travel	%	Av	%	Av	%	Av			
<u>ABUSE</u>																			
Alpena	-	-	-	-	31	53	-	-	-	-	69	113	-	-	-	-			
Cheboygan	-	5	30	2	60	9	38	8	38	-	2	30	26	41	40	34	5	90	
<u>ADOPTION</u>																			
Alpena	6	27	8	29	5	60	48	58	-	-	2	40	13	36	18	140	-	-	
Cheboygan	-	-	-	-	16	60	52	65	-	-	-	-	-	-	1	15	2	30	-
Montmorency	-	-	-	-	11	5	-	-	-	-	-	-	-	-	67	30	22	10	-
Presque Isle	-	-	57	10	-	-	43	15	-	-	-	-	-	-	-	-	-	-	
<u>DIVORCE</u>																			
Alpena	1	25	3	68	11	51	51	49	2	35	-	-	8	41	25	103	-	-	
Cheboygan	3	31	10	30	7	24	22	39	2	28	4	110	3	19	21	29	25	29	3
Montmorency	20	60	19	24	7	60	13	20	-	-	3	10	19	43	-	-	11	8	8
Presque Isle	1	10	19	12	6	35	43	22	-	-	6	10	3	12	19	15	1	5	-
<u>GUARDIANSHIP</u>																			
Alpena	19	22	18	29	-	-	42	68	12	30	9	53	-	-	-	-	-	-	
Cheboygan	-	-	3	15	12	60	15	25	-	-	12	60	6	30	19	19	34	14	
Presque Isle	-	-	46	30	-	-	46	30	-	-	8	5	-	-	-	-	-	-	
<u>JUVENILE</u>																			
Alpena	7	22	7	38	1	25	72	71	5	33	-	-	-	-	8	108	-	-	
Cheboygan	2	18	11	32	12	43	19	31	2	45	1	30	1	17	16	27	34	27	
Montmorency	-	-	27	15	-	-	25	21	-	-	20	25	5	13	3	5	19	8	
Presque Isle	-	-	8	7	36	23	7	50	14	13	-	-	13	18	11	11	12	28	

TABLE IV-11 PER CENT OF TIME REPORTED BY CASETYPE

	<u>ALPENA</u>	<u>CHEBOYGAN</u>	<u>MONTMORENCY</u>	<u>PRESQUE ISLE</u>	<u>TOTALS</u>
ABUSE	2.6	23.6	--	--	12.2
ADOPTION	18.0	2.7	3.1	1.8	28.4
DIVORCE	35.7	39.3	62.5	57.1	39.8
GUARDIANSHIP	23.0	3.6	--	3.4	11.5
JUVENILE	20.7	32.2	34.4	37.6	27.6

TABLE IV-12 TIME REPORTED BY NON-JUDICIAL PERSONNEL

	<u>County Clerk or Deputy County Clerk</u>		<u>Probate Registrar or Deputy Probate Registrar</u>		<u>Staff of the Friend of the Court</u>		<u>Friend of The Court</u>		<u>Juvenile Officer</u>	
	N	%	N	%	N	%	N	%	N	%
A. ALPENA										
General Clerical	6,562	(74.4)	31,268	(86.6)	11,494	(84.9)	756	(50.7)	6,511	(38.8)
Phone/Counter Work	109	(1.2)	3,090	(8.6)	919	(6.8)	350	(23.5)	4,927	(29.2)
Staff Meetings/Confs	300	(3.4)	340	(.9)	164	(1.2)	83	(5.6)	3,638	(21.8)
Court and Case Related Activities	1,815	(20.6)	1,409	(3.9)	961	(7.1)	302	(20.3)	992	(5.9)
Miscellaneous	30	(.3)	20	(.05)	-	-	-	-	725	(4.3)
	<u>8,816</u>		<u>36,127</u>		<u>13,538</u>		<u>1,491</u>		<u>16,793</u>	
B. CHEBOYGAN										
General Clerical	28,929	(81.7)	8,645	(60.8)	19,026	(74.9)	-	-	2,800	(25.0)
Phone/Counter Work	2,959	(8.4)	2,142	(15.1)	2,663	(10.5)	-	-	5,093	(45.4)
Staff Meetings	438	(1.2)	1,260	(8.9)	770	(3.0)	-	-	1,200	(10.7)
Court and Case Related Activities	3,080	(8.7)	1,839	(12.9)	2,615	(10.3)	-	-	1,770	(15.8)
Miscellaneous	5	-	325	(2.3)	425	(1.7)	-	-	345	(3.1)
	<u>35,411</u>		<u>14,211</u>		<u>25,399</u>				<u>11,208</u>	
C. MONTMORENCY										
General Clerical	9,655	(90.6)	2,015	(65.7)	2,050	(30.0)	810	(46.6)	1,590	(23.9)
Phone/Counter Work	465	(4.4)	180	(5.9)	3,290	(48.3)	750	(43.1)	3,476	(52.2)
Staff Meetings	135	(1.3)	235	(6.4)	165	(2.4)	60	(3.4)	555	(84.6)
Court and Case Related Activities	360	(3.4)	410	(13.3)	1,305	(19.2)	120	(6.9)	150	(22.9)
Miscellaneous	48	(.05)	225	(7.3)	-	-	-	-	885	(13.3)
	<u>10,663</u>		<u>3,065</u>		<u>6,810</u>		<u>1,740</u>		<u>6,656</u>	
D. PRESQUE ISLE										
General Clerical	15,936	(84.3)	3,811	(58.4)	3,093	(74.0)	1,060	(33.2)	4,597	(43.9)
Phone/Counter Work	1,365	(7.2)	791	(12.1)	920	(22.0)	135	(4.2)	1,858	(17.7)
Staff Meetings	743	(3.9)	342	(5.2)	30	(.07)	1,565	(49.0)	1,363	(13.0)
Court and Case Related Activities	1,765	(9.3)	1,569	(24.0)	135	(3.2)	435	(13.6)	2,067	(19.7)
Miscellaneous	705	(3.3)	15	(.02)	-	-	-	-	598	(5.7)
	<u>18,914</u>		<u>6,527</u>		<u>4,178</u>		<u>3,195</u>		<u>10,483</u>	

^a Includes Supervisors and Caseworkers.

Individual Case Studies

The following cases illustrate continuing Court involvement of families in Probate/Juvenile Court, Circuit Court and finally, Family Court. While they are not always simultaneous in occurrence, these cases do suggest that the several Courts touch and concern the family in many areas over long periods of time:

CASE NO. 1

The father adopted his wife's natural daughter, and the parties subsequently had three other children. A breakdown of the marriage led to divorce, which was heard by the Circuit Judge; case not assigned to Family Court. The Friend of the Court made two final reports; the first recommended a split custody (two children to each parent, the adopted child to step-father), and further recommended that the Department of Mental Health review the children yearly. The second report made no such recommendation the husband received custody of all children pursuant to agreement of the parties.

There were continuing problems with visitation to the extent that the Friend of the Court petitioned for a review of visitation. Simultaneously, the Department of Social Services became involved via protective services, and a petition was filed with Juvenile Court alleging suspected abuse of the adopted daughter by her step-father. The child was placed in immediate foster care. The Friend of the Court, upon notification from Department of Social Services, petitioned to change custody of the girl to her mother; the Family Judge continued temporary foster care, and ordered independent investigation by an outside Master Social Worker who recommended that the girl remain in foster care, and that she receive counseling, this recommendation came after an extensive investigation of the mother and father and their respective environments. The other children, however, remain in the same environment, and further consideration of their best interests may be relegated to some future contact with the Court.

CASE NO. 2

This narrative concerns three separate divorce cases involving the same woman, a juvenile case involving her son, in the Courts of one county, with a span of approximately four years:

There were five children in a thirteen years of marriage, the eldest son being twelve years old. The mother received custody in 1973 via an uncontested divorce. She remarried, her new husband also had been divorced. They had one child. A divorce was commenced, but a reconciliation followed; she subsequently re-filed for divorce, and a protracted custody dispute and visitation problems ensued. A special Friend of the Court was appointed who made lengthy findings in accordance with the criteria of the Child Custody Act. The mother was awarded custody of that child of the second marriage. The mother again remarried, a divorced man with three minor children whose former wife has received custody. The Family Court Judge ordered him to appear on a show cause for his failure to support those children. While this matter was pending, he was slain by his stepson, then fifteen years old, the child of his wife's first marriage. The boy was charged in Juvenile Court with second degree murder with a count of involuntary manslaughter. The Juvenile Judge was also the Family Judge hearing the pending show cause for non-support.

It appeared that the boy had wanted to live with his natural father downstate; the mother wrote to the Friend of the Court to enlist their help. The Friend of the Court advised her to seek an attorney to accomplish the change in custody, and the divorce file is silent as to any further action on this request; two months later the step-father was dead. The boy plead true to a charge of reckless use of a firearm, and was sent to a residential facility.

The criteria of the Child Custody Act is silent to the methods a child can use to make his desires known, absent a pending dispute. Lack of staff and resources to respond indepth to all routine requests is understandable. The statutory duties of the Friend of the Court for on-going investigations and the standards of the best interests of the child would seem to strongly suggest the need for adequate staff whose primary function would be concerned with the personal well being of those who are, by virtue of their failure of their parents' personal relationship, under the jurisdiction of the Courts until they are 18 years of age.

CASE NO. 3

Chronology: The mother, mentally incompetent, had a long history of mental illness. There were extensive Juvenile and Probate records as seven children were temporary wards at one time. A divorce was commenced in Family Court by the father, a very hostile, difficult, time consuming and contentious divorce. There were very detailed Friend of the Court investigations, custody and visitation were at issue, and the property was bitterly contested. The husband's attorney petitioned for the case to be re-assigned to another Judge; that in effect a Family Judge should not hear the divorce because that Family Judge as the Probate/Juvenile Judge had worked with the mentally ill mother and her family; that as Juvenile Judge had at one time placed the minor children in temporary foster care. The attorney asserted that it could be to his client's disadvantage to have the Probate/Juvenile Judge so act. The Family Judge disqualified himself, and the case was re-assigned to another Family Judge within the Circuit.

This case indicates structural difficulties as perceived by a judge and an attorney during the Project, i.e.; that these Courts, Probate/Juvenile and Circuit are and exist in isolation one from the other. The philosophy of Family Court precludes isolation and is predicated upon the on-going relationship that families/family matters have with the Courts; that information shared does not ipso facto mean prejudice, nor is it necessarily disadvantageous for a judge to have his perspective enlarged.

CASE NO. 4

The father was first divorced in 1970, a childless marriage. He subsequently remarried and had two children. During the second marriage, and while on probation for malicious destruction of property, he was charged with an assaultive crime involving the death of his infant son. He had had contact with the Juvenile Court as a teenager in the early 1960's, apparently the result of behavior that might be characterized as sadistic. His contact with Juvenile Court cannot be thoroughly explored because of old records, and was sketchy at best; also new personnel not personally familiar with the case. It was not known whether any special assistance was given to him.

He was found competent to stand trial; was tried, found guilty of manslaughter and committed to prison for 7-15 years. As part of sentencing, the Judge specifically directed that he receive psychiatric examination; before this occurrence he had spent some time at a Mental Health Center. His wife commenced an action for divorce which was heard in Family Court. She received custody of their two year old child and visitation was reserved.

Remarks: The involvement of the family members in the several Courts, as children, then as adults, is repetitive.

CASE NO. 5

This case came to the attention of the Court as a post-judgment Motion for Change of Custody during the Family Court Project period, but was retained by the Circuit Judge who had heard the divorce, and therefore not re-assigned to Family Court.

The divorce was finalized in 1974, although filed some years before; custody was contested and the Friend of the Court recommended custody to the father. The extensive opinion of the Court, based upon the criteria of the Child Custody Act concluded that the emotional ties existing between the seven year old daughter and her mother determined the Judge's decision to award custody to the mother. The mother remarried and had a child. The little girl from the first marriage told her father of abuse by her step-father. A complaint was filed which resulted in the conviction of the step-father. The step-father was placed on long term probation after pleading guilty to second degree sexual assault.

The father petitioned for a change of custody. The Judge referred the matter to Department of Social Services for report and recommendation. Department of Social Services recommended that the Judge talk to the child alone. The child preferred to live with the mother as she apparently did not get the attention she needed from her father's second family. It was noted that this caused stress in the little girl.

The Court, using the criteria of the Child Custody Act found no material difference between the parents, but with one exception, a stable environment, and that the father could better provide. The Judge granted this change of custody, and realizing that this might cause stress ordered that the situation be reviewed at the end of the school year, no later

than July 15, 1978. The Judgment was entered containing the provision that the mother could petition for review after the end of the school year.

The file discloses that no review had been made to date, and no petition for review had been filed by the mother. The case load of the Friend of the Court and inadequate staffing often precludes over-view or periodic re-investigations of custody absent a dispute or a petitioning party.

In respect to the mother's second marriage:

A non-support action was filed by the Department of Social Services against her second husband; the second husband consenting to entry of Order for Support. Three months later the mother did commence a divorce action against her second husband asking for custody of their two year old daughter. This case is pending, at issue, as is the second husband's request for visitation.

CASE NO. 6

A divorce case involving primarily the contested custody of two children, pre-teen and early teen. The extensive report of the Friend of the Court found the father best suited to receive custody and noted the expressed desire of the children to be with their father. During the divorce, the parents had on-going and turbulent visitation problems with each other. The Friend of the Court had noted that emotional stability was lacking in the parents. The Judgment was rendered by Circuit Judge in first year of Project, the case was retained by the Circuit Court, not assigned to Family Court.

Visitation difficulties continued, and a petition for change of custody was filed by the wife. The Judgment was amended to split custody (younger child to mother, elder to father) within the year following the divorce. There was subsequently a further amendment wherein the father consented to change the custody of the eldest son to the mother. After these modifications, the eldest son was petitioned into Juvenile Court on a charge of larceny. This boy had been an excellent student, regularly attended school, and was an active participant in sports programs. It was felt that the effects of a violent home life, and considerable anguish caused by the divorce were certainly substantial factors in producing conduct so antithetical to his previous stability and achievements. It appears that while custody had been changed by consent, the boy had remained with his father. The Juvenile Judge, also the Family Judge, had the benefits of knowledge of protracted family problems as well as the in-depth understanding and perspective of the case, together with the benefit of information from a unified Juvenile Officer and Friend of the Court. The Juvenile Court ordered restitution and placed the boy on probation for his larceny charge, and custody of the child to the father. The boy has maintained contact with the unified Juvenile Officer/Friend of the Court, and established a relationship with the person responsible to the Circuit Court and Juvenile Court for attention to the best interests of minors. He made restitution from his first employment, nearly \$100.00. The family appears better stabilized.

COMMENT: This is illustrative of the personal relationship that has been established in a small rural environment between a child and the institutions so involved in that child's destiny. The fact that this county has one person acting as both Juvenile Officer and Friend of the Court has enabled those coming before the purview of those institutions, Juvenile and Family Court, to often be dealt with from a position of greater in-depth knowledge, and often with very effective results.

CASE NO. 7

These parents had five minor children, one adopted as an in-county adoption will full and complete investigation. The adopted child, an infant, was soon found to have physical and emotional difficulties which required extensive medical attention. The Juvenile Officer worked with the parents in providing attention to the child's needs. There was a Complaint filed by the Department of Social Services through a protective service worker relative to the abuse of the child. It was felt that the factors giving rise to a complaint of abuse charge had their origins in the very physical problems so long recognized by the Court, Juvenile Officer, and reflected in medical evaluations. The abuse charge was dismissed. The family structure most certainly must have been affected as concurrently, a divorce action was started, but dismissed almost immediately. The parties, however, commenced an action, and aggressively sought to expunge the records of Department of Social Services complaint of abuse.

A second complaint for divorce was filed during the Family Court Project period. It was uncontested. The Friend of the Court found the proposed custodial home (mother's) ideal. The Family Judge then had before him in-depth understanding of the case, and extensive knowledge of the family. As the result of this cumulative information and input and extensive contact between the Juvenile Officer, the Court, the parties, and the child, the Judge made a custody decision that confirmed the desire of the parties to have custody of the four children remain with the mother, and that of the elder son with the father.

It appears that the parties have recently remarried, possibly strengthened by the constructive contacts of the Juvenile Officer and the Court.

CASE NO. 8

The wife had a long history of mental illness, which included frequent hospitalization. Five children, four minors had been under the jurisdiction of the Probate/Juvenile Court, were made temporary wards and placed with the elder sister living outside the community with continuing contact by Juvenile Officer, which enable the Court to be actively aware of their progress and living situation; their lives had been stabilized.

The father commenced divorce proceedings against wife, whose Guardian represented her. It appeared that wife was in remission, was able to re-establish contact with the husband, and an effort was made by both parties to re-establish the marriage. Since the children were stabilized, full attention could be given by the parties to their own concerns. A reconciliation and dismissal of the divorce followed.

COMMENT: This case indicates the effect that mental illness has on the families' ability to cope, and the stress caused within the family structure. Had a divorce culminated, the Juvenile Officer would have been in position to give in-depth background and investigation of the welfare of the children, as well as a recommendation regarding the visitation, and other factors that might have been relevant to this family.

CASE NO. 9

What began as a 1974 divorce action in Circuit Court with a concurrent abuse and neglect petition filed in Juvenile Division of Probate Court, escalated into a case where both Circuit and Probate/Juvenile Courts have alternately taken jurisdiction two times. Two of the little children involved, age two and four at the inception, have spent a total of nearly four years with foster parents, eight months with their father, and are now in the custody of their mother. The third child, an infant, was adopted by foster parents, the natural parents consenting voluntarily to the adoption. The case has had three Friends of the Court, due to disqualification; extensive involvement with Department of Social Services, due to charges of abuse and neglect; three Circuit Judges, due to disqualification; some ninety calendar entries, and the sure knowledge by all involved that the system has made it possible for little lives to be greatly disrupted, and application of the criteria of the "best interests of the child" in head-on collision with the assertions of parents and the jurisdiction of two separate courts, both having jurisdiction over minor children. The custody has gone full cycle, mother -- foster care -- father -- foster care -- mother. The Circuit Court has jurisdiction again.

This case appeared again during the Project when the mother petitioned for change of custody, which has previously been awarded to the father by the Circuit Court. The Circuit Court later waived the case to Probate/Juvenile Court because of neglect petition. Mother's petition for custody was granted.

If the present custodial environment should not be effective, might we not anticipate another waiver to Juvenile Court, another foster care, and possibly other Circuit Court petitions for change of custody? It is now conjectural, but might a better, less disruptive, costly result have been obtained by a unified Court?

CASE NO. 10

The divorce occurred during the first year of the Project giving custody of three older sons to the father, and four remaining children (boy 12, and 3 girls) to the mother. Post Judgement activity for Change of Custody filed by the father during second year of Project period. The Juvenile Officer conducted all interviews, and interview with the 12

year old boy who was living with his mother reported that the boy stated that he wanted to live with his father. The Juvenile Officer felt that the boy should live with his father. The Court denied Motion for Change of boy's custody without prejudice noting that it was mid school year.

No new motion has been brought before the Court. How are preferences of children given meaning, absent consent and automatic follow-up procedures?

CASE NO. 11

Pending final hearing in a divorce action filed during the Project, the wife received temporary custody of the minor children. The Department of Social Service protective service worker made an abuse complaint and the mother was brought before the Juvenile Court. The Court made the children temporary wards of the Court, and placed them with another member of the family. The parties reconciled and dismissed the divorce action, and wanted their children returned immediately from foster care. This request was not granted immediately by the Judge prompting the father to file a Complaint for a Writ of Habeas Corpus in Circuit Court alleging that he had not been involved in the Juvenile hearing, and that the Juvenile Court did not have jurisdiction. A Show Cause Order issued against the Probate/Juvenile Judge who was also the Family Court Judge. The Circuit Judge found that the Probate/Juvenile Judge did have jurisdiction, and the Circuit Judge then assumed jurisdiction under Child Custody Act and remanded the matter to Probate/Juvenile Court for full record hearing. While the hearing was not held as the children were returned to the parents, it may suggest quick, expeditious attention to Family Court appeals, i.e., directly to Circuit Court.

CASE NO. 12

During a contested divorce case with problem visitation, the Family Court Judge's attention was directed to an available home study made pursuant to adoption of Defendant husband's niece by his parents. The Court had the benefit of this earlier in-depth investigation report, and issued temporary order of visitation permitting visitation of the minor child with father and grandparents.

At the termination of the Project, this case is pending in Circuit Court with visitation disputes renewed, and alleged unfitness of the mother-in-law again an issue central to disruptive and antagonistic visitation problems.

CASE NO. 13

This was a divorce granted to wife in 1973. While the Friend of the Court recommended that custody of all the children be awarded to the mother, the Court awarded the custody of three children to the mother, custody of one son to the father, and jurisdiction of the fifth child, a boy, remained in Probate/Juvenile Court because of previous juvenile activity. There were no further Circuit Court involvements after the Judgment of Divorce. There were no further investigations by the Friend of the Court. The son, placed with his father, came to the attention of the Juvenile Officer because of school truancy. The parental support appeared weak and petition was dismissed, because the child stated that he intended to quit school at 16, a few months later.

CASE NO. 14

The Complainant in a Paternity action was a girl who had a juvenile history of status offenses; her sister had a similar juvenile history. Complainant had been at Girls Training Center as the result of continued status offenses.

Complainant, two brothers and a sister were children of divorced parents and all had extensive juvenile involvement. Defendant, at the time of paternity action, was 16 years of age, and had been involved in Juvenile Court on charges of extortion and larceny. The Family Court Judge entered an Order of Filiation stating that support by the father be held in abeyance until he graduated from high school.

CASE NO. 15

Complainant had extensive juvenile felony history; her brother and sister also were involved in Juvenile Court (status offense incidents). She sued her husband for divorce after a two and a half year marriage. There was no custody dispute as her Complaint was uncontested. The Friend of the Court did not make an in-home investigation, but noted that the family had not yet stabilized and recommended a follow-up report six months after Judgment.

CASE NO. 16

Plaintiff father of two small children commenced a divorce action with temporary custody given to husband by wife's agreement. Custody became a contested issue, however, upon wife's retention of an attorney. The father had had a juvenile history of excessive truancy, and had established a relationship with the Juvenile Officer that was supportive, comradely, and on-going through school (which he completed without further truancy) and young adulthood. The Friend of the Court, investigating without benefit of Juvenile Officer's experience with the Plaintiff, determined that there were no stability problems; that while the case warranted post-judgment review, custody was recommended to the father. During the interviews with the Friend of the Court, the young father revealed his great desire to be someone his sons could look up to; that it was important to him to have that responsibility.

It could be suggested that had the Juvenile Officer made the investigation, his personal involvement could have precluded a totally even-handed conclusion. Prior, however, to any final decision, the young couple apparently resolved their differences, reconciled and the case was dismissed. It might also suggest the value of a constructive relationship existent during Plaintiff father's formative years, and during his initial contact with "the system".

CASE NO. 17

The following cases do not appear eventful or dramatic, but are consistent and repeated occurrences, and are set forth to illustrate that many "routine" cases deal with family involvement in the several, but separate Courts:

Case A

Two children ages 17 and 12. A divorce filed during the Project period. Six months after such filing both of the children came before the Juvenile Court, the elder on a breaking and entering charge, and the younger on a controlled substance charge. The result was probation. The divorce is still pending, and custody is at issue.

Case B

Divorce and subsequent second marriage. Wife and custody of child of first marriage. Child brought before Juvenile Court on a breaking and entering charge.

Case C

First marriage resulting in a divorce, subsequent remarriage, son of first marriage brought into Juvenile Court on a charge of breaking and entering. Divorce action in second marriage commenced in Family Court, reconciliation case dismissed.

Case D

Four children with two teenage sons involved in delinquent acts (joy riding). Divorce commenced with custody granted to the mother, the father shot and wounded the mother during a family altercation, and the children were made temporary wards of the Probate/Juvenile Court. An attorney was appointed for the children in the divorce proceedings with the Juvenile Officer completing detailed home studies as supplemental report.

Case E

Mid Project juvenile involvement - subsequent divorce. The divorce was filed after Project terminated. Four children in custody of mother granted by previous out-of-state divorce. Negligent and Delinquency petitions filed, children were removed from home. Subsequently, the young son was placed in foster care, the three remaining children were returned to the mother. It appears that this family is troubled. The Circuit Judge recently signed an Order for marriage assessment.

Case F

Two children involved in this case. Prior to Project one child brought into Juvenile Court on a charge of shoplifting; during the Project on a charge of controlled substance; there was also mid-Project involvement of the second child on a marijuana charge. An uncontested divorce was entered with no custody problems noted.

Case G

A divorce involving minor children with Juvenile Court matter all occurring during the Project. There were five children, three of them minors. The Judgment had awarded custody of the son to the father, daughters to the mother. Pending the divorce, the minor son became involved in Juvenile court because of truancy. He was placed on probation, and committed to the care and custody of his mother. Shortly thereafter, he became a runaway and was committed to Department of Social Services for placement with a residential facility. Nine months later he was discharged from Juvenile Court and, under the Judgment, his father received custody.

Case H

A divorce involving two very young children. The Friend of the Court recommended that the minors be placed in the custody of the Friend of the Court, and that jurisdiction and physical custody be placed with Department of Social Services with a recommendation of placement in foster care of Mr. and Mrs. X. Pending a determination of custody, the parties stipulated to the entry of a temporary order to that effect.

Final judgment entered at the end of the first year of the Project as a retained case. Neither parent received custody, and the children were referred to Probate/Juvenile Court for jurisdiction under Michigan Adoption Code, Probate/Juvenile Court having jurisdiction over the care, custody and control of the children, including support and visitation.

In-depth, extensive investigations had been made by Department of Social Services and Juvenile Officer/Friend of the Court at the direction of the Circuit Judge. The deficiencies in meeting the needs of the children had been apparently so patent, that the welfare and best interests of the children could only be met by their continued foster care.

The unified Friend of the Court/Juvenile Officer is now involved in continuous over-view of this matter, and it is pending in the Probate/Juvenile Court.

CASE NO. 18

CASE DZ: (Case Type Code as per Michigan Supreme Court Systems Department). DZ - all other matters involving families and domestic relations:

Pursuant to an Acknowledgment of Paternity and Order of Filiation, the custody of a pre-teenage girl was awarded to the mother, with visitation to the father. During the Project, the mother filed a motion for permission to remove the child from the jurisdiction, and it was assigned to Family Court. The father sought custody to allow the child to remain in the jurisdiction. The combined Juvenile Officer/Friend of the Court extensively investigated all areas of this contemplated change, including a request to a Child Advocate in the other state to furnish an in-depth investigation of the proposed home, the step-father, and the community. The Court provided for visitation by father and approved the change of domicile of the minor child.

Smaller areas often beget great personal interest by institutions in their relationship to people. It is unlikely that large, urban areas could spare extensive attention to a relatively routine request as this case sets forth. The child-oriented posture of this unified Juvenile Officer/Friend of the Court was beneficial to the Court in a determination so vital to a child's future.

CASE NO. 19

At the inception of the Project, extensive plans for marriage assessment and divorce counseling were formulated. These innovations did not come to fruition, and were never augmented. The Friend of the Court most actively involved in this program of assessment-orientation, continued to refer troubled marriage partners to the agency which would have been a participant. He noted that the agency hired a full-time counselor because of the increase in domestic counseling. It was his belief, from informal feedback, that problems had lessened because of increased counseling. The two following cases involve voluntary counseling during the Project:

Case A

A Special Friend of the Court was appointed (a private attorney) to act in this matter. The Special Friend of the Court made on-site investigations of prospective custodial homes, though not customarily done in uncontested custody matters. Joint custody was recommended by the Friend of the Court, and the final Judgment of Divorce awarded joint and equal care, custody, control and visitation to the mother and to the father. The final report of the Friend of the Court, attached hereto, noted the abilities of the parties to provide for the child, made an extensive investigation, and noted the counseling entered into by the parties. The support recommendation considered the income of both parties, and recommended payment by father (as he had the superior income) of \$15.00 per week.

The Final Report notes that neither a custody order, nor a support order were necessary throughout the proceeding. This is somewhat unusual, as these interim custody and support matters, on a general basis, often create acrimony and contention, and certainly add to the work load of Court personnel and the case load of the Court.

Case B

Both father and mother asked for temporary custody of their children, the case became increasingly contentious and acrimonious. The Friend of the Court, in its interim report, used the guidelines of the Child Custody Act and determined that the parents were nearly equal in their ability to meet the needs of the children. However, he recommended the parties be ordered to attend divorce counseling during the interim period to educate them to their changing relationship, and to the need for continuous cooperation in the raising of their children. The parties agreed to such divorce counseling, and the pending hearing for custody was adjourned for that reason. The Pilot Project ended while this divorce was pending. The following month, the wife asked for a hearing on the matter of temporary custody of the minor children. The Friend of the Court made a further report after consultations, authorized by the parties, with the counselors, and recommended that interim custody be with the mother, notwithstanding that the father had had physical custody for several months. The parties then stipulated that the mother would have custody. The divorce matter is still pending.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF _____

CASE NO _____

Plaintiff,

Defendant.

JUDGE HONORABLE _____
Probate Judge, Presidi as
Circuit Judge by Assignmen

Attorney for Plaintiff

Attorney for Defendant

FINAL REPORT OF THE FRIEND OF THE COURT

Date complaing filed _____, 1977 _____

Date of marriage _____, 1968 _____

Applications for custody and date filed _____

Temporary: _____

Ex Parte Order granted: _____

On site investigation made July 12, 1977 at _____
home address or proposed home.

Wife interviewed July 12, 1977 at _____

Husband interviewed July 15, 1977 at _____

Children visited July 12, 1977 at _____

Children not visited _____

Soc. Sec. No.		
Address		
Telephone		
Birthdate		
Other Marriages Other Children	None	None
Religion		
Education/training	B.S.	B.S.
Occupation		
Employer		
Earnings Wk-Mo-Yr	Net \$15,570.67	Net \$10,615.63
Health	Good	Good

II. THE CHILDREN

Full Name	Birthdate	Sex	School	Gr.	Living with	Health
	1/6/72	M		K	Mother	Good

III. CUSTODIAL HOME – STABILITY OF FAMILY: Attached Narrative

IV. RECOMMENDATIONS:

Custody	Joint custody to both parents
Visitation	Not applicable
Support	\$15.00 per week - No allowance for physical custody
Alimony	Non to either party
Hospitalization and medical dental or optical coverage	Defendant shall be responsible
Arrearage under temporary Order of Family Support Act	Not Applicable

PREPARED BY: _____

APPROVED BY: _____

Dated: August 1, 1977

CUSTODIAL HOME - STABILITY OF FAMILY

(Uncontested Cases)

III. CUSTODIAL HOME

Comment shall include, but is not limited to consideration of the conditions, environment and surroundings of the home where the children are kept or proposed to be kept, and of the care given to the children.

The Plaintiff's proposed home is a new two bedroom, one bath plus three additional rooms located at _____
The Plaintiff is currently renting the above home with an option to purchase and expects to purchase said home with the proceeds from the property settlement agreed to by the parties. The home is adequate for the needs of the child.

The Defendant's proposed home is the former marital home of the parties located at _____
It consists of two bedrooms, one bath, living room, kitchen-dinette and one room above the garage. The Defendant plans to retain the home as part of the property settlement. The home may be considered adequate for the needs of the child.

STABILITY OF THE FAMILY

Comment shall include, but is not limited to, consideration of the length of time the child has lived in a stable environment, the permanence of the existing family unit; home, school and community record of the child; desirability of maintaining continuity.

Since the parties separated on approximately April 1, 1977, the parties have engaged in an arrangement of custody of the minor child. In setting a schedule for custodial care, the parties have reviewed their up coming employment schedules so that the custodial parent would have the maximum time to spend with _____.
Since both parties are employed during the day, _____ is taken care of by a babysitter.

All babysitting during the day is done at the mother's home with the parties sharing the expenses. _____ will remain in the same school district and has been reported by both parents to be intelligent, happy, and very well adjusted. Both parents have reported that _____ has adjusted very well not only to the separation of his parents, but also to this shared custody arrangement. While the parties have determined that the marriage cannot be preserved, they have tried to maintain stability for _____.
It should be noted that the parties attended marriage counselling sessions both jointly and separately with emphasis placed on the best interest of _____. The parties have demonstrated that they are capable of intelligently entering into a joint custody arrangement. It should be noted that neither a custody order nor a support order was necessary during the pendency of this action. It is therefore the recommendation that joint custody be granted to both parties.

SUPPORT OF CHILD

Based on both parties' 1976 W-2 forms, the following information was obtained.

Net income \$14,871.68 or \$285.99 per week.

Minimum support schedule would call for payment of \$57.00 per week as support.

Net income of \$10,350.89 or \$199.00 per week.

Minimum support schedule would call for payment of \$39.00 per week. Mrs. _____

net pay without overtime is \$150.00 per week or support of \$30.00 per week.

By using a comparison approach Mr. _____ would be expected to pay as support the amount of \$18.00 per week or \$27.00 per week (overtime not included).

Mrs. _____ through her attorney, has asked that support be set at \$25.00 per week.

My opinion would be not to include Mrs. _____ overtime in computing child support. Further, that Mr. _____ be given credit for having physical custody of _____ approximately one half of the time. Therefore, it is recommended that Mr. _____ pay as support for the minor child the sum of \$15.00 per week regardless of which party has physical custody.

V. INTERVIEWS WITH PERSONNEL IN THE 26th CIRCUIT

Three kinds of interviews were conducted at the close of the Family Court Pilot Project. These were with judges, bar association members, and Family Court staff, respectively. Interviews with judges and bar association members were conducted by the Project Evaluator, while staff interviews were conducted on the basis of questionnaires and personal discussion between the Project Administrator and relevant staff members. All individuals who had worked in the Family Court during the period of the study were contacted, including Circuit Court staff in the County Clerk's office.

All interviews were conducted with the promise of anonymity for the respondent. That is to say that no individual would be quoted in the report by name or with sufficient identification of position in the Family Court and location in the Circuit that the particular individual could be identified. As a consequence, the comments that are presented in this chapter will be general in orientation and will only make specific reference to particular situations when such references have been authorized by the respondents from whom they came. A synopsis of each of the views developed in each of the interviews will now be presented.

Interviews with Judges

Interviews with judges focused on the following general areas:

1. The general value and utility of the family court concept.
2. The utility of the particular model adopted for the Family Court Pilot Project.
3. The manner in which the Pilot Project operated and whether or not the judge felt it was a success.
4. The kinds of dispositional alternatives that are a consequence of the establishment of a Family Court.
5. The effect of the Pilot Project on workload.

With respect to the first general area all judges agreed that in principle the Family Court concept is a good one. The idea that the family should be treated as a unit and not as a series of disparate individuals was considered superior to the notion that is manifested in the bifurcation of Circuit Court and Probate Court litigation and as a consequence all the judges agreed that the state ought to adopt some sort of Family Court legislation.

The judges were not unanimous, however, in their opinions about the particular type of Family Court that ought to be adopted. At the outset of the Pilot Project there appeared to be a general consensus among the judges about the desirability of the 26th Circuit Model, with Probate Court judges being expanded to full time judicial activity with

authority to act in domestic relations cases. What this would mean, of course, with respect to other rural jurisdictions in the state which might introduce the Family Court concept is that temporary probate judges would be elevated to full-time family court judges. By the end of the project, however, some of the judges had changed their minds, and there was no longer consensus among them about the kind of model that should be introduced. Lack of consensus derived in main from concern about two separate areas. The first of these was the relationship between Circuit Court judges and Family Court judges and the second concerned the power which the Family Court judge would have as a consequence of developing access to a much wider range of information than either the Circuit Court judge or the Probate Court judge had previously had.

Concern about the relationship of the Circuit Court judge and the Family Court judge probably arose as a consequence of the difficulty during this Pilot Project in defining the role of the Family Court judge in a way that would have freed the position of the constraints that were inherent in the Circuit Court/Probate Court structure. None of the Probate judges had prior judicial experience in domestic relations matters. All of them would revert to the status of Probate judge after the project concluded. In other words, though they had the authority to act as Circuit Court judges in family matters, they did not become Circuit Court judges, nor did they really become Family Court judges, with the tenure and moral authority that such positions would normally carry. Of course, the legal authority of the decisions made by the Family Court judges was the same as if these had been made by Circuit Court judges. Appeals against domestic relations judgements, for instance, would have gone to the Court of Appeals, not to the Circuit Court. Appeals relating to decisions under the Adoption Code would also have been to the Court of Appeals, while decisions under the Juvenile Code could have been appealed to Circuit Court. Remedial action sought through a writ of Habeas Corpus (at least one instance of which occurred) would also be handled by the Circuit Court judge. These are normal channels, but nevertheless were areas of concern for some judges during the project. The point that was stressed was that Family Court judges should be equal in status, legal authority and salary to Circuit Court judges. The implication of this was that the Family Court judge should be more than a temporary Probate Court judge, elevated to full-time status.

The second major area of concern related to the power provided the Family Court judge by virtue of access to all family-based litigation records. Under the present system the Circuit Court judge in making decisions about domestic relations cases does not have routine access to Probate Court files which contain, for instance, juvenile records which are subject to privacy and security regulations. The reverse is also true. The Probate Court judge, making a decision in a juvenile case, has no automatic access to Circuit Court case files which might contain information on the nature of the domestic relation between the child's parents.

As Judge Swallow has pointed out to the author, however, the Child Custody Act of 1970 (PA91) permits the use of such Probate Court reports by the Circuit Court judge. That is, if a report is known to exist the Circuit Court judge can obtain it upon request. Thus, even though no day-to-day mechanism exists for inter-Court communication on reports of this sort, the legal authority for their use is established. Providing the kind of information that is in such reports to the Family Court judge therefore would not be an extension of *de jure* power, though -- since this provision of the Act is apparently rarely used -- it would be a *de facto* extension. Of course, absence of this type of information is in any case supposed to be circumvented by the background investigations conducted respectively by the Friend of the Court for the Circuit Court judge and by the juvenile office for the Probate Court judge. In practice, however, the quality of these background investigations appears, on the basis of the information made available to the author of this report, to be of a relatively perfunctory nature, without the kind of information that could be developed by comprehensive inquiry.

Under the Family Court concept, investigations presently conducted by the Friend of the Court and juvenile officers would be integrated into a single office. This integrated inquiry would provide the Family Court judge with a comprehensive background statement. The manner in which this worked during the Pilot Project did not meet the idea of comprehensiveness, but in principle it could. Some of the Family Court judges expressed concern about the kind of legal conflict this might lead to if, for instance, a Family Court judge were hearing a domestic relations case involving custody of minor children, and in making decisions about that case, took into account a prior record of juvenile delinquency, or of some other non-domestic relations litigation matter. Would this be proper? The answer appears to be dependent upon the existence of prejudice as a consequence of the prior involvement. If prejudice is believed to exist, General Rule No. 912 (1963) provides for a mandatory hearing, held by a Circuit judge other than the one involved. Of course, GCR 912 and the customary orientation toward prior involvement reflect the view that such involvement will be the exception rather than the norm. The Family Court objective, however, is to achieve the opposite of this -- namely to provide the judge with as much knowledge of prior circumstances and events as possible. Careful consideration must therefore be given to the idea that the Family Court would drastically increase the likelihood of prejudice.

The third general area of inquiry in the judge interviews was the manner in which the Pilot Project operated during the twelve-month period being evaluated. The general judicial reaction was favorable, although a number of shortcomings in the project design were pointed out by some of the judges. The fact, for instance, that no additional clerical staff were provided for in the initial funding for the project, despite the fact that additional clerical work was required both by the record keeping requirements of the evaluation and by the need for case linking between the Circuit Court and Probate Court drew some criticism. Some of the judges also observed that they had experienced difficulty in integrating the activities of the Friends of the Court and the juvenile officer due to apparent resistance by those two organizations to cooperative activity. It will be pointed out later in the discussion of interviews with court staff that Friends of the Court and juvenile officers claimed that there had been a lack of judicial leadership in this area. These two views are not mutually exclusive and it is difficult to determine whether one played a greater role than the other.

The question of dispositional alternatives was perhaps the most troublesome issue that the judges had to face. Built into the idea of the Family Court is the concept that the integration of domestic relations and juvenile matters under the authority of a single judge will lead to some sort of synergistic case handling and decision making. However, when the judges were asked to specify the disposition alternatives that would occur as a consequence of the existence of the Family Court, the only comment that was made was that the additional information which the Family Court in principle provided could lead to more informed decision making. A typical example given was that of a juvenile case involving, let us say, a runaway situation in which a simultaneous divorce action was taking place. In the Family Court, the judge would have knowledge of the divorce action and could respond in a more intelligent fashion than under the existing Michigan model in which the divorce action would not be part of the formal Probate Court record. Other than this, the judges had no suggestions about the kinds of disposition alternatives that the Family Court would produce except for the previously aborted counseling program which was a part of the original formulation of the Pilot Project.

The effect of the Pilot Project on workload appears in general to have been mixed. None of the judges felt that the additional family domestic relations cases made their case load unmanageable and unmanageable, given the fact that additional time had been funded by the project. It was also clear that in the two smaller counties, Montmorency and Presque Isle, even with the addition of domestic relations cases a full-time judicial position was not required. That this was so has already been indicated by the proportion of time recorded on administrative matters by the two judges in those two counties.

The Circuit Court judges naturally had a different kind of reaction. Both judges felt that the time made available as a consequence of the transfer of domestic relations cases to Family Court judges had made the management of their case load simpler and more efficient. Due to the fact that the Circuit had no appreciable backlog of cases, measures relating to backlog reduction are not relevant in this situation. However, it is clear that if additional judicial time is made available for non-family Circuit Court cases, then in situations where backlog do exist, they will be reduced. In a rural circuit such as the 26th, however, it is not clear that the Circuit Court judges need additional time to devote to their non-family caseload, and this matter should be more carefully investigated before decisions are made about the extent of additional judicial resources to be allocated to such a jurisdiction.

Bar Association Meetings

The 26th Judicial Circuit is served by two bar associations, one of which comprises the attorneys located in the county of Cheboygan, the other of which is comprised of attorneys working in the three remaining counties. Open meetings were arranged with each of these associations to discuss the operation of the Family Court. Both meetings were relatively unstructured, and can best be summarized by a statement of the advantages and disadvantages of the Family Court as seen by Bar Association members. No attempt will be made here to distinguish the Cheboygan association from the association serving the other three counties, and a specific effort has been made to maintain anonymity for all Bar Association members.

Many advantages were cited for the Family Court when compared to the existing Circuit Court/Probate Court structure. The first of these concerns the availability of a Family Court judge to hear domestic relations matters. Under the existing system, rural domestic relations cases are obliged to wait for the presence of a Circuit Court judge in the particular county of residence of the plaintiff. According to the attorneys who were present at the bar meetings, in the past this has resulted in a waiting period of between 6 and 18 months for trial in a contested domestic relations case. During the Pilot Project however, the availability of a Family Court judge for regular motion days and regular schedules of trials, meant that this delay was reduced by 6 to 8 months. Though there are no data available to us on pre-project processing times; the data presented in Chapter 4 on the time between filing and granting of divorce show

that a large proportion of the cases filed during the project were handled fully in less than 6 months time. The attorneys pointed out that the reduction in delay of this nature meant that the trauma associated with separation and divorce was substantially reduced. An additional benefit associated with the availability of a local Family Court judge was that the family cases were not caught up in the adversary nature of the Circuit Court, or the unsavory influence of the criminal cases which tend to be intermingled with domestic relations cases in that Court.

The second advantage cited was that if the Family Court existed it would be possible to hire a family specialist in place of the present Friend of the Court/Juvenile officer system. There was a general feeling amongst the attorneys that most Friend of the Court are not family specialists, and are not qualified to do the kind of background investigation and inquiry that a tense family situation requires. As a consequence, most of the attorneys believed that in domestic relations cases under the present Circuit Court system, Friend of the Court reports and recommendations to the Court are of limited value. A similar sort of situation was seen to exist on the Probate Court side of the system. In rural areas the volume of business involving the juvenile officer is not sufficiently great to require a full-time specialist who is trained in the kind of work that needs to be done and as a consequence reports by the juvenile officer are on occasion similarly deficient, though perhaps less so than in the Friend of the Court situation. The Family Court is therefore seen as a potential solution to this problem where, under the authority of a single judge, a family specialist could be hired to do background investigations and other family kinds of inquiries, while the Friend of the Court or an equivalent office could undertake the enforcement of collections and other kinds of fiscal matters. Few of the attorneys were of the opinion however, that the situation during the Pilot Project was much different than the situation prior to it. In other words, this was a potential advantage rather than one actually experienced during the project.

In general, the attorneys also believed that the integrated processing that is possible under the Family Court would be more efficient and effective from the point of view of the family, the attorney representing them, and the court than the existing bifurcated system.

The potential problems seen by the Bar Association members were similar to those identified in interviews with the judges. Most frequently mentioned was the concern that the integration of records that would take place under the Family Court structure was legally questionable. Some attorneys claimed that putting the responsibilities of the juvenile court judge and the domestic relations court judge together in a single individual raises a serious evidentiary question. That question is whether or not for instance a custody hearing judge should use prior knowledge of the family in making a decision. It was the opinion of many of the attorneys that, under existing Michigan law, this is not legally proper. Furthermore, if it were legally proper, as a consequence of a statutory change, some of the attorneys felt that the result would be to give the Family Court judge too much power, and to pave the way for decisions being made in one case upon evidence that had been presented or impressions that had been gained in another. This is of course the central question about the Family Court. If it is not judged proper to integrate family based records and to place them before a single judge, then the Family Court would be nothing more than another name for the existing Circuit Court/Probate Court system.

Assuming that this question could be satisfactorily resolved, attorneys felt that it was critical that the Family Court judge must be autonomous and free from the influence of Circuit Court judges. The appeals system all Family cases (including juvenile) should therefore be from the Family Court to the Court of Appeals in the same manner as it is now from Circuit Court to Appeals Court for domestic relations cases. Some attorneys pointed out that this would result in potentially greater delay in achieving final resolution of the issues than if, for instance, statutory changes were made which would allow appeals from Family Court to Circuit Court. This naturally led to a consideration of the qualifications of the Family Court judges. If the quality of these judges is equal to that of the Circuit Court judges, then there is clearly no loss in placing them on an equal basis with the Circuit Court judges. On the other hand if the judicial quality of Family Court judges is inferior, and if a large number of unsound decisions are being handed down, then independence from Circuit Court might not be desirable. It was clear in the discussions with the Bar Association members that all felt that if a Family Court were established then the judges who were the Family Court judges must be specially qualified for that particular position, and that they should have specialized training in family matters. The attorneys did not feel that a satisfactory system could be established simply by converting existing Probate Court judges to Family Court judges. Many of the Probate Court judges are part-time judges, whose primary income is from the practice of law simultaneous with their sitting on the bench and whose special qualifications in family matters are non-existent. Concern was in fact expressed about the qualifications of the probate judges in the 26th Circuit who converted to Family Court judges.

In summary it appears that the Bar Association members are in favor of the Family Court concept but for reasons which do not necessarily relate to the basic ideas behind the Family Court approach. Most of the factors which the attorneys cited as advantages of the Family Court system really rested upon the provision of additional manpower to the Circuit.

For instance, it would be possible to have a domestic relations judge available on a regular basis without having the integration of juvenile and family matters, and it would also be possible for a family specialist to be hired and to do background investigations in both Circuit and Probate Courts. These things are just a matter of budget size. The heart of the Family Court idea however, is the integration of family matters under a single judge, and in this issue, the Bar Association members were not united. Some felt that this would be desirable; some felt that it would be risky. If these attorneys are representative of those in the rest of the state, then great care must be exercised in establishing the structure which the Family Court would assume.

Interviews with Court Staff

Questionnaires were circulated to all staff members of the 26th Circuit who had been involved in any way in the Pilot Project. This included individuals working in the County Clerks office, Probate Registrars offices, juvenile supervisors offices and case workers, and Friend of the Court and their staff. In addition individuals who worked specifically for the Family Court as clerical staff were interviewed. In all, 22 questionnaires were returned, nine from Circuit Court personnel and 13 from Probate Court personnel.

It is difficult to summarize the response on these questionnaires without doing injustice to some of the views presented. 22 individuals had diverse opinions, and these are hard to represent by a few summary statements. In general however, the questionnaires revealed that most of the staff who responded had a generally favorable attitude towards the Family Court idea and believed that the Family Court should be independent of the Circuit Court, and should integrate family matters under one roof. In terms of the specific Pilot Project however, opinions were not nearly as unanimous. In general Probate Court staff were more favorable disposed towards the operation of the Pilot Project than Circuit Court staff. This was particularly true of the Friend of the Court and juvenile officers. It was clear from the responses provided by individuals working in those two categories that the level of cooperation that the Family Court idea presumes between the Friend of the Court and juvenile officer did not exist. In many instances juvenile officers cited their feeling that they were impinging upon the proper prerogative of the Friend of the Court. For instance, one respondent said:

Would have to have better cooperation and compatibility of Friend of the Court and juvenile officer in counties where there is not a unified Friend of the Court and juvenile officer in order to accomplish purposes.

Another said:

There was a lack of designation and responsibility between the Friend of the Court investigation and social worker - like who sets up visitation, amounts of support, etc. There was some duplication.

Such comments were common amongst juvenile workers. Nonetheless the general feelings that were expressed by all the respondents tended to be positive.

Circuit Court personnel -- both County Clerks staff and Friend of the Court staff -- tended to feel imposed upon by the additional reporting requirements of the project. This may have been a consequence of the fact that the Probate Court staff were the center of attention during the Family Court Pilot Project while Circuit Court staff were not. In other words, Circuit Court personnel may have felt that they were not involved in any way in the experiment and neither benefited from it nor contributed to it except in terms of doing additional clerical filing and reporting. Under these circumstances it is natural that their feelings would tend toward the negative side.

VI. GENERAL CONCLUSIONS

This final section of the report consists of two parts. The first briefly reviews the operation of Pilot Project and its impact on the Circuit; the second considers the organizational and operational issues that would have to be addressed and resolved in any generalized introduction of a Family Court in the State.

The Operation of the Pilot Project

The evaluation of the Family Court Pilot Project that has been presented in the preceding sections of this report has been inconclusive in a number of respects. Perhaps the most glaring deficiency has been the inability to directly consider the impact of the experiment on the families who have been involved in litigation during the project period. However, there have been additional problems. For instance, as was pointed out early in this report, the evaluation component of the Pilot was developed subsequent to the implementation of the project itself. This meant that the normal kind of evaluation considerations had to be suspended. In particular, it proved impossible to develop a comparison of Circuit activities during the project with those prior to its commencement. A consequence of this was that changes that resulted directly from implementation of the project could not be empirically measured. Substitute measures in the form of interviews with court personnel and bar association members were developed, but these were naturally not as useful as direct observations would have been.

A further general problem with respect to the collection of data existed. The original project design contained no provision for the additional clerical staff that was required by the increased reporting requirements of the project and of the evaluation. As a consequence, existing staff tended to see the project as a direct increase in their workload, without accompanying fiscal or other compensation. Despite this, the general attitude was good, and the staff was cooperative in completing the required forms. However, probably due to the pressures of normal court operations, the end product of the data collection effort was less satisfactory than it might have been, and a substantial proportion of the data turned in proved to be unuseable.

One final problem area concerns changes in the project design that occurred subsequent to implementation. The original intent was to establish a relatively formal relationship between the Courts and counseling agencies in the area. Then, families would have been offered the opportunity to take advantage of these counseling services in a much more structured fashion than is presently the case. However, publicity attendant upon this plan led to a Supreme Court decision to veto its implementation. In addition, contact with families that were before the Court during the project period was prohibited.

What all of this has meant is that the empirical aspect of the evaluation is restricted largely to descriptions about project activities, rather than assessments of them. This is an unsatisfactory situation, but it was an inevitable consequence of the constraints under which the project and the evaluation were conducted.

In spite of these caveats, some general observations about the project can be made. First, the additional judicial manpower devoted to domestic relations cases produced a reduction in the time needed to process those cases. In addition, the quality of the environment in which those cases were conducted was, according to Bar Association members, substantially improved by the separation of family cases from criminal cases. These two aspects -- faster processing and less traumatic court conditions -- were frequently cited as the primary benefits of the Pilot Project.

A less tangible but nevertheless real contribution was the protection against contradictory judicial decisions afforded families with simultaneous Probate and Circuit Court family cases. As was pointed out earlier, however, these were a tiny proportion of the total family cases handled by the Circuit.

On the other side of the ledger, serious questions were raised about the utility of this particular model. The conversion of part-time Probate Court judges to full-time Family Court judges was less appealing at the end of the project than at the beginning, even to initial advocates of the idea. This change appears to be a consequence of the increased realization that decision-making in domestic relations matters demands a high level of experience and expertise, particularly when the decisions are meant to reflect a sociological as well as a judicial interpretation of the situation.

Additionally, there was a general consensus that -- for a variety of reasons -- the planned integration of the investigative activities of Juvenile Officers and Friends of the Court did not materialize. Coupled with the cumbersome nature of the record-linking process between Probate Court and Circuit Court, this meant that the quantity and quality of information provided to the Family Court judge was of an uncertain nature.

In general, then, the conclusion must be drawn that -- in those areas that could be evaluated -- the Pilot Project achieved only a limited number of its objectives. In large part, this was due to factors beyond the control of Circuit personnel, and should not be taken as a comment upon particular individuals working in the Circuit. Had the Pilot Project been implemented in any similar Circuit, the difficulties and successes would have been comparable.

What the Pilot Project does offer, however, is experience in the Family Court concept. This experience permits us to highlight those areas of the operation that require the most careful attention before the Family Court could successfully be introduced. The next section considers these areas.

Organizational Considerations

Four relatively distinct questions must be considered prior to a general implementation of the Family Court. These are:

1. What judicial structure should be adopted?
2. What special qualification (if any) should the Family Court judge have?
3. What support staff is needed and how should it be organized?
4. What kind of record keeping system should be established?

The discussion of these questions that follows is based on organizational not legal considerations. Implicit in the discussion is the assumption that statutory and perhaps constitutional changes of some degree would be required, but no attempt is made to identify the nature of those changes, or to allow the discussion to be constrained by the difficulty of making them.

The Question of Judicial Structure

The relationship of the Family Court to the Circuit Court was a matter of substantial concern to all who participated in the Pilot Project. That particular model separated the Family Court from the Circuit Court, but, obviously, such separation is not a pre-requisite for the integration of all family cases under a single judge or a single judicial structure. It would be possible, for instance, to establish a division of Circuit Court which handled only family cases. In small circuits, this division would probably not require a full-time judge, while in large circuits it might require more than one judge. In either case, the segregation of family cases from criminal cases, the amalgamation of all types of family cases, and the provision of a specialist judge could all be accomplished just as easily as if the Family Court were a separate judicial entity. It should therefore provide the same kind of benefits without incurring any additional difficulties. In fact, the problem of establishing the judicial authority of the Family Court judge might more easily be resolved by this approach. One accompanying effect of the strategy would be to further diminish the role of the Probate Court judge in the Michigan Court system, since the creation of a Family Court division of Circuit Court implies that juvenile and other family cases presently handled in Probate Court would be transferred to the new division.

Judicial Qualifications

When proponents of the Family Court concept speak or write about the impact the idea might have on litigating families, they are not just thinking about the speedier processing of cases, or the provision of additional judicial manpower. Rather, the emphasis is upon the dynamics of the family situation. It is common to see references to "treatment by the Court", and to the way in which the Family Court could effect reconciliation, reduce trauma, make bad situations better, and so on. These views contain an implicit -- and sometimes explicit -- belief that the Court can operate as a sociological change agent in family life, that it can be pro-active instead of just re-active. However, there is no evidence to support the view that judicial action can affect -- let alone reverse -- the forces which have led to the family problems in the first place. Even qualified counseling agencies have limited success in countering such trends. For the moment, however, let us assume a treatment could be devised which would have such an effect. Could the judicial personnel necessary to implement and supervise its application be found? Judges are trained in the law, not in family counseling, and it is difficult to see where properly qualified judges -- for that particular task -- would come from. On the other hand, if the role of the Family Court judge is viewed in a more traditional manner, such that the primary emphasis in decision-making should be on legal not sociological considerations, then the need for special judicial qualifications would be no greater in the Family Court than it presently is in Circuit and Probate Court. An important point to be made here of course is that the sociological element cannot be removed from domestic relations cases. The judge in a contested divorce case involving minor children is making a primarily sociological and psychological decision with which the force of law is associated.

In summary, this issue is a difficult one to resolve. Individuals in our society who have the requisite legal (and usually political) qualifications to be judges have not normally had the additional training and experience that would make them experts on family matters. However, whether they are Circuit or Probate Court judges under the present system, or Family Court judges under some new system, they are expected to make expert decisions. This is so even if they are

able to rely for information about the family on agencies or individuals that are qualified. If it were not so, that is if the judge simply embraced a decision made by an outside agency, why would the judge even be necessary? An administrative rather than a legal structure could be set up to handle domestic relations issues.

Support Staff

Under the present system the Juvenile Officer is responsible for providing the Probate Court judge with the family background data needed to make an informed decision. The Friend of the Court performs a similar function for the Circuit Court judge. The quality of these reports varies according to the individual making them and the demands made by the judge. In general, in the State of Michigan, there is no standardized procedure for conducting family investigations, developing reports, or for placing them before the judge. In many instances, the judge does not even examine the report but instead acts upon the recommendation of the Juvenile Officer or Friend of the Court, or upon information developed in conference or court hearings.

It seems self evident that the existing procedures are not adequate to support the needs of a Family Court judge, even if they are considered adequate for the needs of a Circuit or Probate Court judge (which is doubtful). First of all, the demarcation line between the Friend of the Court and the Juvenile Officer is inappropriate in a Family Court setting. The judge needs a single report on a family, not separate reports from two different entities. Second, the degree of professionalization and specialization desirable in the individual doing background investigations is likely to be more attainable if the function is concentrated rather than diffused. What this implies is that the role of at least one of these two organizations should be redefined. In the 26th Circuit, the predominant view was that the Juvenile Officer should assume responsibility for all home and background investigations, while the Friend of the Court should retain responsibilities for collections activity.

Two other support staff areas that will require consideration are general administration and clerical. During the first year of the Pilot Project, funded by the Besser Foundation, the circuit had no project administrator. In retrospect, it was clear, however, that the extant administrative structure, split between Circuit and Probate Courts was not adequate to support the introduction of the new system. As a consequence, it has been impossible to reconstruct the activities for that year. During the second year, Joanna Neal* served as Project Administrator and, in a ver real sense, made it possible for the Family Court to function. The moral seems clear. The introduction of a state wide Family Court will require at least in the beginning years, an administrative presence analagous to that of the Court Administrator. Without this, it isn't likely that many Circuits could convert their present operation to a Family Court operation.

*an attorney with substantial experience in the Domestic Relations area.

A similar point can be made with respect to clerical staff. Record keeping is more complex in the Family Court because of the need to provide the judge with a greater quantity and diversity of information than under the present system. The involvement of the Court in the long term behavior of family members is obviously greater when the Court is trying to incorporate information on that behavior into current decision-making. Also, upon introduction of the Family Court, conversion of existing record keeping systems must take place. The general conclusion about staff, then, is that under a Family Court system, more will be needed than is presently available.

Record Keeping Systems

Presently, the Probate Registrar maintains Probate Court records while the County Clerk maintains Circuit Court records. These two functions are statutorily separate. For the Family Court idea to work, however, a single record must be established and maintained for each family. During the Pilot Project this was not possible (because of statutory constraints), and, consequently, a cumbersome, time consuming and not completely effective method of linking Circuit Court records with Probate Court records on the same family was established. Without this sort of integration of records into a single file, the Family Court idea cannot work. The implication therefore is the statutory re-definition of record keeping responsibilities is necessary. Ideally, this redefinition should establish files and records for family cases under the control of the Family Court judge. These should be analagous to existing juvenile court case files (i.e. not part of the public record). The question of a separate public record of judicial decisions would also have to be considered.

Though this step can be easily and simply stated, it is likely to be difficult to accomplish in practice. Careful thought should be given to both the physical and logical design of the record system and the manner in which the conversion would take place. It would be highly desirable to standardize both facets of the change.

Conclusion

The purpose of the preceding sections has been to highlight those areas to which careful consideration should be given prior to general implementation of a Family Court in the State of Michigan.

All four areas involve statutory or constitutional considerations. Assuming these can be satisfactorily resolved, administrative and organizational complexities will remain. All of these things will take time and money. Even if the difficulties are successfully handled, there is little evidence to date that the changes in the system will affect the public except in a very small number of cases, and even then in a perhaps inconsequential way.

In final summary, then, four general statements may be made. First, the Pilot Project did result in shorter case processing time for family cases, but it is not clear that the impact was a consequence of the Family Court concept rather than simply the increases of judicial manpower in the Circuit. Second, the broader range of information available to judges led to better decision-making in some cases, but these were a very small proportion of the total case load. Third, the implementation of the Family Court created no new dispositional alternatives and offered no 'treatments' that were not already available. Fourth, the extension of the Family Court idea to the State in general will require substantial statutory modification and will be time consuming and expensive.

Given these caveats, it is the opinion of the author that careful thought about the introduction of a state-wide system is in order.

END