

### **Court, Children, and Family Services Division Function Statement:**

The Court, Children, and Family Services Division provides timely, fair, effective, and efficient access, and administration of justice through the provision of services and programs that support the mission, vision, and core values of Pima County Juvenile Court Center.

Develop, advance, and sustain the provision of professional, innovative, and effective:

- court case flow management,
- work flow management,
- problem-solving court programs and approaches,
- alternative dispute resolution processes,
- interpretation and translation services,
- management of data, reports, and records,
- support services required to manage and operate programs and facilitate legal proceedings,
- training opportunities for professionals and court-involved families

### **Court, Children, and Family Services Division Goals and Objectives**

- Ensuring access to justice through a variety of programs and services.
- Incorporating traditional and differentiated case management approaches using tools and processes to ensure timely disposition, clearance rates, age of active pending cases, trial date certainty, and to reduce reactivation rates.
- Enforcing fiscally responsible practices and stewardship of finite public resources and agile resource deployment.
- Meeting legal, regulatory, and funding authority mandates with reliability and integrity.
- Conducting data-informed decision-making for continuous process evaluation and improvement.
- Involving and collaborating with stakeholders when appropriate to advance the Court's overall objectives.
- Achieving lasting permanency for children and families by ensuring child safety and improving parenting capacity, family functioning, and child well-being through the provision of appropriate programs and services.

**Function (Purpose/Objective)**

Provide professional court-based alternative dispute resolution (ADR) services for juvenile court cases including dependency, severance, adoption, delinquency, family law, and probate. Assist the court in case management.

**Description of Services (Activity)**

- The mediation program is an integral part of the juvenile court’s case management system as judges rely on mediators to conduct ADR sessions, draft and manage complex legal documents including court orders, to calendar hearings and trials in cases where there are issues requiring judicial decisions following a mediation session or a settlement conference, and/or to vacate an already set hearing or trial when the issues have been resolved through mediation.
- Types of court-based ADR services include:

<u>Facilitated Settlement Conference</u>	Addresses the issues of dependency and disposition. The session may address negotiation of a parenting plan for pre-adjudication dependency dismissal.
<u>Family Law Mediation</u>	Addresses the issues of legal decision-making and parenting time in family law cases consolidated with dependency cases.
<u>Mediation</u>	Addresses issues as identified by the Court or the parties such as visitation, services, placement, post-severance contact, and case plan goals.
<u>Facilitated Case Conference</u>	Addresses termination of parental rights issues.
<u>Reunification at Risk</u>	In these sessions the mediator facilitates a candid discussion intended to identify barriers to reunification, plans to address those barriers, and an exploration of permanency alternatives when reunification cannot be timely achieved.
<u>Dependency Alternative Program (DAP) Settlement Conference</u>	Address issues as identified by advisory counsel and participants that may be legal alternatives to filing a dependency petition (e.g. Title 14 guardianship, Title 8 guardianship, Title 25 <i>In Loco Parentis</i> agreements, and other family law orders).
<u>Reunification Progress Mediation</u>	A pilot program for identified cases where all children subject to the petition are under the age of three at the time of removal. The RPM session will occur about 20 days after the Dependency Review and will cover topics related to the reunification case plan, status of services, progress and/or challenges toward reunification, and post-reunification plans.

- Mediation Supervisor
  - Identifies program development requirements, establishes goals, creates and implements strategic plans. Coordinates the program and associated services necessary to achieve established goals and objectives in support of program, division, and court-wide obligations. Oversees the daily operations of the mediation program.
  - Conducts court-based ADR services.
  - Develops and conducts community awareness programs, educational presentations, and training for court staff, the community, and other court stakeholders.
  - Also conducts all aspects of the mediator’s position.

- Mediator
  - Conducts settlement conferences, mediation, and other ADR sessions in a professional, neutral, ethical, and confidential manner. Assists parties and their counsel with communication, understanding others' positions and perspectives, and assists all involved in meeting the needs of the associated children. Thoroughly prepares session through pre-session review, anticipating potential issues, and drafting legally relevant paperwork, including court orders as needed, upon the session's conclusion.
  - Assists the court in case management by coordinating and scheduling court hearings and trials on judges' AGAVE calendars resulting from the ADR participants' agreement. Coordinates ADR session scheduling on mediators' AGAVE calendars.
  - Assists with data collection and maintenance for ADR referrals and completed sessions.
  - Provides general supervision to Administrative Assistants as they prepare cases for the various ADR sessions.
- Mediation Administrative Assistant
  - Performs specific administrative tasks in support of professional court mediators. Under general supervision, performs work in support of an assigned caseload.
  - Creates and maintains case files and other official records; retrieves and documents accurate information from various sources for ADR sessions.
  - Prepares, drafts, finalizes, and processes legal documents for the mediators using E-Docs, AGAVE, and word processing programs.
  - Manages mediators' Outlook and AGAVE calendars and assists with coordinating calendaring on Judges' AGAVE calendars.

## **Mandate**

- Ariz. Rev. Stat. §§ 8-844, 8-845, and 8-535.
  - Before a contested dependency case proceeds to adjudication, the court shall hold a settlement conference or pretrial conference or shall order mediation.<sup>1</sup> Facilitated Settlement Conferences are used to meet the adjudication mandate.
  - After receiving and considering the evidence on the proper disposition of the case, the court enters orders of disposition.<sup>2</sup> Facilitated Settlement Conferences are also often used to resolve dispositional issues.
  - At the initial hearing on a Termination of Parental Rights case, the Court shall schedule a pretrial conference or status conference.<sup>3</sup> General Mediation sessions can be used to meet the pretrial conference mandate.
- Arizona Supreme Court/Administrative Office of the Courts/Court Improvement Program Funding Agreement:
  - A settlement conference or mediation shall be held prior to an adjudication hearing in a dependency matter, if a parent does not admit or submit to the dependency petition.
  - Grantee must ensure that there is an individual responsible for handling mediations.
- Rule 68(B) of the Arizona Rules of Family Law Procedure (ARFLP)

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<sup>1</sup> Ariz. Rev. Stat. § 8-844.

<sup>2</sup> See Ariz. Rev. Stat. § 8-845.

<sup>3</sup> See Ariz. Rev. Stat. § 8-535(E)(1).

- All family law cases that involve a controversy over child custody or parenting time shall be subject to mediation or other ADR service or process provided by the local rules.<sup>4</sup>
- Compliance with Pima County Superior Court Local Rule 8.6, and Pima County Model Court Juvenile Family Law Workgroup Paternity or Dissolution Protocols for cases involving simultaneous dependency, and legal decision-making and parenting time proceedings.

### **Achievements from Activities**

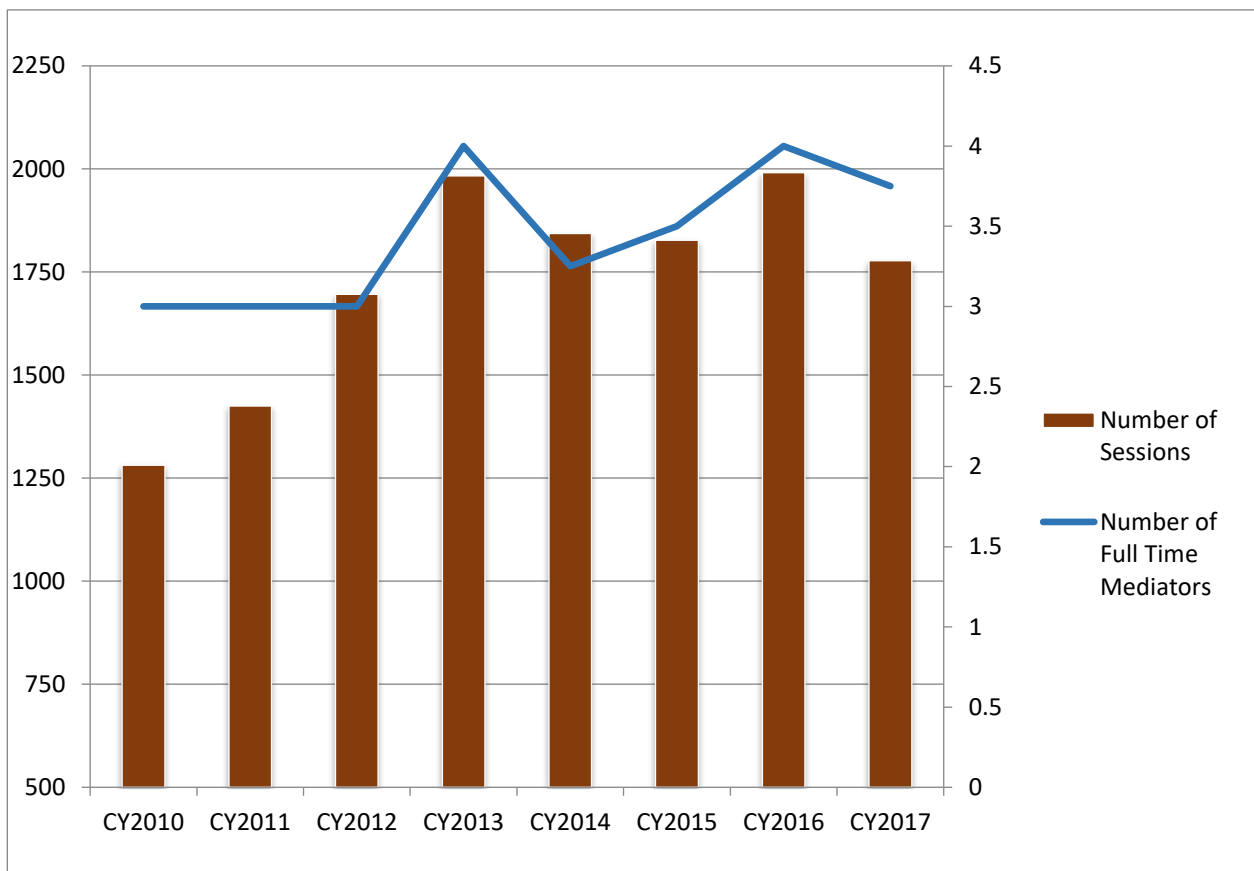
- Recognition from the Arizona Supreme Court, and internal statistics clearly demonstrate mediators provide a valuable service to the court by reducing judicial calendar congestion and increasing the court's ability to meet statutory and AOC timelines, resulting in considerable cost savings. It is proven more cost-effective to have a mediation session than a court hearing.
- Reduction in the number of court hearings, contested hearings, and trials.
- Statewide recognition was received at the 2017 Strategic Agenda Awards Ceremony for Protecting Children, Families, and Communities by developing, implementing, growing, and sustaining the innovations demonstrated through the Dependency Alternative Program.
- Of the 117 Dependency Alternative Program Settlement Conferences held, 109 (93%) reached agreement through a legal alternative to a dependency action.
- Facilitated Settlement Conference session agreement rates increased from a range of 74-76% over the past few years to 88%<sup>5</sup>. In comparison, Maricopa County's settlement rate is approximately 21%.
- Court-based mediation services provide more than just cost savings. Mediation increases access to justice, provides a framework to negotiate self-determined resolution, and provides opportunities for children and families to achieve better outcomes.
- Utilizing the mediation program continues to increase through time<sup>6</sup>:

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<sup>4</sup>ARFLP, Rule 68(B); *See also* Pima Co. Sup. Court Local R. 8.6 and 8.1; ARFLP Rules 66 and 67(E).

<sup>5</sup> January 1, 2016 to November 30, 2017.

<sup>6</sup> CY2014 includes two newly trained mediators; CY2015 includes the absence of two mediators for 16 weeks parental leave and one administrative assistant for ¾ of the year; CY2017 reflects sessions through December 28, 2017. FY18, DCS implemented the SAFE AZ Model. The number of sessions/petition is higher than the first 6 months of FY17.



- Mediation support staff positions were successfully reclassified to a mediation administrative assistant, a goal highlighted in the FY2016/FY2017 decision package. Hiring processes demonstrate a more qualified pool of candidates and reduced training periods. The regular administrative assistant positions have remained continuously filled following the reclassification and maintaining the increased employee qualifications.
- The E-Docs program has been maintained and has expanded. Most agreements are accompanied by a form of order submitted to judges from the mediation program.
- The mediation program-established state-wide juvenile court mediation program roundtable continues to grow, and Pima County hosted an annual in-person meeting attended by mediators and court administrators interested in mediation, as well as community and educational partners and stakeholders from throughout the entire State of Arizona.
- In 2015, 2016 and 2017, the supervisor and court mediators presented at multiple state-wide conferences and trainings as well as consulted with and hosted site visits for other counties as a model mediation program.

### **Program Goals and Objectives**

- Conduct ADR services in an impartial and competent manner promoting self-determination, quality of process, and confidentiality.
- Increase party compliance and participation.
- Improve relationships among case-involved family members and others.
- Reduce the number of court appearances, contested hearings, and trials.

- Assist the court by moving cases more efficiently through the system so as to provide due process and meet statutory timelines while complying with procedures required by state and federal law and the CIP funding agreement.

**Financial Highlights and Significant Issues**

- Each hour of a court hearing is significantly more costly than an hour of mediation.
- The mediation program is continuing to innovate and expand services.
  - The process of developing and implementing child support mediations continues.
  - Opportunities for pre-trial conferences in cases with a contested severance trial scheduled, focusing on obtaining stipulations to exhibits and witnesses in order to more efficiently use court time, has begun in limited numbers.
  - Some family law case mediations including property settlement and debt distribution are offered on a limited basis when doing so can resolve a dependency case.

**Program Performance Measures**

<b>Quantitative Measures</b>	<b>FY16/17 Actual Ending 6/30/17</b>
<b>Program Performance Measures</b>	
Number of Referrals	2,005
Number of FSETs	1,315
Number of PPMs	298
Number of DAPs	63
Number of Others	329

Pima County Juvenile Court Mediation Program:

<b>Quantitative Measures</b>	<b>FY 17/18 Actual Ending 6/30/18</b>
1. Total number of Mediation Sessions scheduled.	1,610
2. A. Number of Facilitated Settlement Conferences referred.	986
B. Settlement rate for Facilitated Settlement Conferences held.	88%
	223

3. A. Number of Parenting Plan Mediation sessions referred.	
B. Settlement rate for Parenting Plan Mediation sessions held.	87%