



Family Court Services at a Glance

A Reference Guide

Sixth Judicial District
Family Court Services

www.familycourtservices.org

OVERVIEW

Legislative Establishment

Family Court Services was established by the Idaho Supreme Court pursuant to Idaho Code §32-1401 et seq. The Idaho State Legislature has found that “there is an increasing incidence of children and family members in more than one (1) court proceeding, including juvenile corrections, domestic violence, domestic relations, adoptions and child protection actions, and there is a need to coordinate these diverse cases and related family services to provide an effective response to the needs of these children and families.” I.C. §32-1401. In response to these needs the Legislature created the roles of family court services coordinator and court assistance officer. I.C. §32-1402.

According to legislative directive, the family court services coordinator is to “assist families in need to connect with appropriate resources for the family, to provide assessment information to the court to assist in early case resolution, and to conduct workshops which will educate the parties on the adverse impact of high conflict family disputes upon children, identify the developmental needs of children, and emphasize the importance of parenting plans and mediation techniques which peacefully resolve child custody and visitation issues.” I.C. §32-1402(4). As implemented by the Idaho Supreme Court, duties of Family Court Services include:

- Connect families involved in court cases with appropriate services
- Advise Court regarding available services
- Provide direct services
- Provide case coordination and assessment
- Develop and implement alternative dispute resolution programs
- Develop and implement family service programs
- Provide program administration and support
- Oversee financial assistance for approved services

A Family Court Services Coordinator has been retained in every judicial district in Idaho. The Family Court Services Coordinator position is a district-wide position with duties determined by statute, the Idaho Supreme Court, and by the local judicial district.

Sixth Judicial District

In the Sixth Judicial District, Family Court Services is overseen by a Director, who performs the family court services coordinator functions outlined by statute as well as administrative duties and direct services. Sixth District Family Court Services includes the following programs:

- Coordinated Case Management
- Domestic Violence Court
- Court Assistance Office
- Divorce and Separation Education
- Case Management Screening / ADR Assessment
- Child Custody Mediation
- Interim Parenting Time Assessments
- Parenting Coordination
- Supervised Visitation
- Informal Custody Trial
- Resource Referral

The Magistrate Judges of the Sixth Judicial District are adopting a cooperative, family-focused approach to family law cases. Some characteristics of a cooperative family-focused court model:

- Promote cooperative decision-making
- Respect parents in their roles as primary problem-solvers
- Provide information and skill-building assistance to families
- Connect families with appropriate services
- Promote early case resolution
- Provide appropriate assistance to pro se parties

Service Elements that will likely be part of the Sixth District Model include:

- Parent Education
 - Classes
 - Counseling
 - www.familycourtservices.org
- Mediation
- Case Management Screening
- Interim Parenting Time Assessment
- “A Child’s Voice” Processes
 - Child-inclusive mediation
 - Child interviews
 - Safe child testimony
- Parenting Coordination
- Guardian ad Litem / Child Custody Advocate

PROGRAMS

Coordinated Case Management

Coordinated case management currently consists of two components: case coordination and case screening.

Case Coordination

Family Court Services assists each county in developing protocols for identifying whether there are multiple (“companion”) cases involving members of the same family, such as divorce, guardianship, domestic violence, juvenile justice, child protection, etc. This includes identifying whether there are cases in multiple counties. This is done to help improve outcomes for families and to avoid conflicting orders. As a matter of administrative procedure, judges are provided with companion case listings. However, except as otherwise may be required by state or local procedure, each magistrate exercises his/her own discretion in whether to review a particular case and take judicial notice as appropriate.

Companion case identification involves checking ISTARS, the Data Repository and, as appropriate, NCIC for other cases involving family members (parents and children). In counties with more than one magistrate who hears family cases Family Court Services assists in developing protocols for case assignment and case consolidation.

Case Screening

A “Case Management Screening” is an early intervention in court cases involving child custody. It is designed to quickly move families into appropriate services and reduce the number of hearings needed in any given case. It was originally developed under a grant from the State Justice Institute received by the Idaho Supreme Court as part of a coordinated case management pilot project, and is utilized in the Second, Third, Sixth, and Seventh Judicial Districts. It is a streamlined version of the ADR Screening used throughout the state.

The primary purposes of a Case Management Screening are to assess the appropriateness of alternative dispute resolution processes, such as mediation, and to identify other services that might be beneficial to the family. Recommendations are not made regarding custody and visitation. The screening engages the parties at an early stage and moves the case forward.

Case screenings are conducted by Family Court Services staff or by qualified mental health professionals. The screener must be well-versed in mediation and other dispute resolution processes, child and family issues, domestic violence, and family law procedure.

Upon the filing of an answer or notice of appearance in a case involving the custody of children, an Order for Referral to Family Court Services is issued. The order provides that the parties shall participate in both a Case Management Screening and in mediation.

Upon receiving a copy of the order, the case screener will review the case file, as well as criminal and civil case history.

The case screener interviews the parties at a date and time set forth in the order. Each party meets with the case screener separately. Upon arrival, parties complete a detailed questionnaire. This questionnaire is used as a screening tool and as a starting point for the interview. During the interview, the case

screener will also explain mediation, as well as other services that may be available. If parties have a preference or agreement regarding selection of a mediator, it should be expressed at this time. Children are not interviewed as part of the case management screening process.

Following the interviews and file review, a standardized report listing service recommendations and summarizing results in core screening areas is submitted to the presiding judge and to the parties if pro se or to their attorneys if represented. The report is confidential and exempt from public disclosure.

Following submission of the case management screening report, if the screening does not contraindicate mediation, the parties must convene mediation within 28 days, pursuant to the Court's order. The parties may select a mediator by mutual agreement. If parties cannot agree on a mediator, or if no preference is expressed, a mediator will be assigned from the Idaho Supreme Court roster by Family Court Services.

Parties may request an extension of the time to complete mediation, for good cause, by contacting the Custody Case Manager. A status conference will be scheduled for approximately 30 days after the date of the case management screening report.

If the screening determines that mediation is not appropriate, parties will be excused from mediation and a status conference will be scheduled at the earliest reasonable opportunity.

Child Custody Mediation

Child custody mediation is governed by IRCP 16(j). Child custody mediation is a confidential process in which a trained impartial third party helps parents in a custody/visitation dispute move toward a mutually acceptable agreement. Most cases involving contested issues regarding child custody and visitation are appropriate for mediation. Mediation may not be appropriate in cases involving domestic violence or where mental disability or substance abuse impair capacity to reasonably participate.

Mediation empowers the parties, giving them the opportunity to have a direct voice in and direct control over the outcome of their case. It gives the parties an opportunity to focus on the needs of their children and learn to communicate as co-parents regarding decisions that affect the lives of their family. What is important to the law may not be what is important to the family, and vice versa. Mediation provides a cooperative process that allows parties to address both if needed.

Family Court Services coordinates assignment of child custody mediators from the Idaho Supreme Court roster. Family Court Services promotes the use of mediation throughout the district and fosters the growth and retention of the mediator pool. In Bannock County, mediation is now automatically ordered in contested cases involving child custody, with Family Court Services screening for appropriateness (see "Case Screening" above) prior to mediation.

Divorce and Separation Education

Focus on Children

Parent education classes have been established and are mandated statewide. Similar classes are mandated throughout the nation. The Focus on Children curriculum is used in six out of the seven judicial districts. A more comprehensive nine hour curriculum is ordered in the Fifth District. Upon the filing of an initial complaint or of a petition for modification, parents are ordered to attend the parent education class.

Research has shown that children deal best with divorce when they are not caught in, or become the object of their parents' disputes. Focus on Children provides parents with information on their children's

needs, on cooperative parenting, and on counseling and mediation resources available in our area. Parents are given some practical applications they can use to help bridge communication gaps that often occur during this period of time. The goal of Focus on Children is to give parents knowledge and tools that they may use to help them and their families as situations change.

Silver Linings

The Silver Linings class has been implemented in the Fifth and Sixth Districts and will soon be implemented in the First. The Silver Linings course is a workshop for children ages 6-17, whose parents are going through a divorce or custody dispute. In the Sixth District, due to resource availability, this course is currently only offered in Bannock County.

Children, ages 6-17, of parents that attend Focus on Children are required to attend this class. If the children have previously attended, they do not have to attend again. In addition, children may be excused from attendance for good cause. If there are significant logistical, medical, mental health or safety concerns parents may obtain a waiver of attendance from Family Court Services.

The class helps children understand their feelings about significant changes in the family resulting from family law issues and educates them about what their parents might be going through. The class provides the children with some “coping” tools when faced with significant change.

Domestic Violence Court

Established under a grant for the Office on Violence Against Women, the Domestic Violence Court is a specialty court established in the Fourth, Sixth and Seventh Judicial Districts. In each of these districts, a Domestic Violence Court Coordinator has been retained to coordinate the program, under the supervision of the Family Court Services Coordinator. In the Sixth District, due to grant limitations, the DV Court is currently only available in Bannock County. If permanent funding is secured it is anticipated that this program may be made available throughout the district.

Guardian ad Litem (future)

Standards and a rule for guardians ad litem in custody and dissolution cases are currently being developed. The guardian ad litem’s role is to investigate and advocate for a child’s best interests throughout the course of proceedings. The guardian ad litem is *not* an attorney for the child. The guardian ad litem is generally appointed in high conflict cases or where one or both parties are alleging child abuse or neglect. It is likely that a roster will be maintained by the Idaho Supreme Court, and that the program will be administered by the family court services coordinator in each district.

Interim Parenting Time Assessments

The Interim Parenting Time Assessment (also known as an Interim Parenting Time Evaluation) was created in Sixth District. It is currently used in the Fifth and Sixth districts, and statewide standards being finalized. It is anticipated that once these standards are established other districts will adopt the process as well.

The IPTA is a brief focused evaluation, with the purpose of helping better inform specific issues of judicial decision-making. The limitations of data collected in the Interim Time Parenting Assessment and Recommendations result in a report that is descriptive and focuses on the near or short term, generally 90 days, rather than the long term needs of the family. IPTA recommendations are intended to address temporary custody issues and should not be construed as recommendations for permanent custody. The

IPTA should follow mediation and is only appropriate after mediation has failed or the case is deemed not appropriate for mediation. IPTA are particularly helpful when there is a high level of conflict and extreme opinions of custody outcomes.

Persons qualified to conduct an Interim Parenting Time Assessments (Providers) are licensed master level graduate and Ph.D. mental health professionals or equivalent. The Providers have a minimum of 4 years working with children and families. Providers specialize in family court related practices. The providers are familiar with issues in high conflict cases such as the impact of family violence on children, the effects of substance abuse, high conflict, and mental health issues on parenting capacity, child development, separation and loss issues and rules and statutes governing child custody in domestic relations cases. Providers shall always function as impartial professionals/examiners.

During the IPTA, the Provider will meet separately with both parents, and will meet with the children if appropriate. The Provider will also make up to three collateral contacts per parent, and will review background check history. Following the assessment, the Provider writes a report with recommendations then schedules a conference call with the parties and their attorneys to explain the recommendations. The parties are then given an opportunity to reach their own resolution before the report is submitted to the court.

Parenting Coordination

Parenting coordination is an intervention in high conflict cases under IRCP 16(l). The parenting coordinator's first duty is to mediate between parties, and if that fails to arbitrate within authority granted by the court. The parenting coordinator also makes regular reports to the court, with recommendations as appropriate. Effective parenting coordination requires conflict management skills and the ability to educate parents. The parenting coordinator arbitrates where necessary, but should not become just a private judge. Absent an agreement by the parties, the court may only appoint a parenting coordinator from the roster maintained by the Supreme Court.

Informal Custody Trial

The Informal Custody Trial was established by IRCP 16(p), and implemented at the discretion of each individual magistrate. The rule allows parties to voluntarily waive certain rules of evidence and procedure to participate in a less formal, expedited process. This is generally used with pro se parties, but has also been used when parties are represented by attorneys. Family Court Services has been given responsibility for reporting statistics regarding the program.

Resource referral

Family Court Services catalogs service resources and helps connect families with appropriate resources. Where resources are unavailable or limited, Family Court Services promotes development of such additional resources. Family Court Services is also developing a family resource center with informational materials.

Supervised Visitation

Supervised access and exchange are governed by I.C. § 32-1402(6) and IRCP 16(o). Supervised access is ordered when there are concerns about the welfare of a child with a parent. Supervised exchange is used when there are significant safety or conflict issues between parents. The court makes the final decision as to who the provider will be, the manner in which supervised access is provided, and any terms or conditions thereof.

FINANCIAL ASSISTANCE

Limited financial assistance is available to parties through the Family Court Services Designated Fund. The Family Court Services Fund is only available to people who meet income eligibility standards and have defendant, minor children. Funding is only available for specific services that have been ordered by the court, as listed below. Payments are made directly to the service providers and not to the party.

It is not an entitlement program and even though a party may be eligible, funding may not be available, or particular service provider may not be approved to receive funds. If the Family Court Services Fund becomes unavailable for any reason, the funding for the service will stop.

Parties are responsible for making and keeping all appointments with service providers and Family Court Services staff. Further, if a party fails to keep scheduled appointments, Family Court Services Funding may be terminated and the party may be billed for costs. Parties are responsible to pay any fees charged by the service providers which are not paid by the Family Court Services Fund.

Family Court Services, the Sixth Judicial District of Idaho and the Idaho Supreme Court make no guarantees, express or implied, regarding services, performance, or conduct of service providers funded through the Idaho Supreme Court Family Court Services Designated Fund.

Services currently eligible for subsidy through Family Court Services are as follows:

- Child Custody Mediation
- Interim Parenting Time Assessment
- Supervised Access/Exchange
- Parent Education

Allocations of funds to each of these areas may be prioritized and adjusted as needed, in the discretion of the Director. Availability and allocation of funds is not guaranteed, and is subject to change.

Applications for assistance are available from the Family Court Services office and are reviewed by the Director. Eligibility is determined by *household* income matched against a sliding scale. Twenty-five to ninety percent of the cost may be subsidized, if eligible. Limits may be set on the maximum amount of assistance received.

Family Toolbox

Available in Idaho	Currently Available in Sixth District
ADR Screening Anger Management Classes Anger Management Counseling (Individual) Art Therapy Batterer Treatment Case Management Screening Children's Classes (Silver Linings) Child Interviews Court Assistance Office Custody Evaluation Drug and Alcohol Evaluation Domestic Violence Evaluation Effective/Directed Co-Parenting Family Counseling Family Court Services Resource Referrals Family Needs Assessment Focus on Children Class Guardian ad Litem Home Visits Individual Counseling (Adult) Individual Counseling (Children) Informal Custody Trial Interim Parenting Time Assessment Marriage Counseling Mediation Music Therapy Parenting Coordination Parent Education Parenting Infants and Toddlers Parent-Teen Mediation Play Therapy Pornography/Sex Addiction Counseling Pro Se Focus on Children Class Pro Se Mediation Clinic Psychological Evaluation Psychosocial Rehabilitation Substance Abuse Treatment Supervised Access Supervised Exchange Trauma/Grief Counseling Visitation Transportation (Boise, Twin, Pocatello)	Anger Management Classes Anger Management Counseling (Individual) Art Therapy Batterer Treatment *Case Management Screening *Children's Classes (Silver Linings) *Court Assistance Office *Custody Evaluation Drug and Alcohol Evaluation *Domestic Violence Evaluation Effective/Directed Co-Parenting Family Counseling *Family Court Services Resource Referrals *Focus on Children Class Home Visits Individual Counseling (Adult) Individual Counseling (Children) *Informal Custody Trial *Interim Parenting Time Assessment Marriage Counseling *Mediation *Parenting Coordination Parent Education Play Therapy Pornography/Sex Addiction Counseling *Pro Se Mediation Clinic Psychological Evaluation Psychosocial Rehabilitation Substance Abuse Treatment *Supervised Access *Supervised Exchange Trauma/Grief Counseling Visitation Transportation (Boise, Twin, Pocatello)

* Court-Annexed Process/Service