

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Judiciary Committee

BILL: SB 2726

INTRODUCER: Senator Rich

SUBJECT: Unified Family Court Program

DATE: April 18, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Chinn	Maclure	JU	Favorable
2.	_____	_____	CF	_____
3.	_____	_____	JA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill adds to the purposes and legislative intent for the implementation of a unified family court program in the circuit courts. The additional purposes and legislative intent for creating a unified family court program include:

- To provide all children and families with a coordinated judicial system that minimizes multiple actions and provides one decisionmaker for each child or family and a coordinated approach in dealing with the applicable issues of the child or family;
- To encourage the circuit courts to implement a unified family court program through a local rule or administrative order, subject to the approval of the Florida Supreme Court; and
- To improve the resolution of disputes within the judicial system for children and families by promoting the Coordinated Management Model as established by the Florida Supreme Court and promoting the “one family, one judge” concept.

This bill substantially amends the following sections of the Florida Statutes: 39.001, 61.001, and 985.02.

II. Present Situation:

Statutory authority relating to children and families typically evolves in a piecemeal fashion. Presently, no single or uniform system of judicial case management exists in the state. This is so due both to the organizational framework of the court divisions and to laws resulting in fragmented judicial resolution of narrow legal issues. Many family law cases, however, involve the same children or families with prior, concurrent, or subsequent judicial involvement in other related family law cases such as delinquency and dependency. Moreover, many of these cases

involve complex family dynamics and social, economic, and psychological factors that create or aggravate legal problems in family law cases. When a court is unaware of other cases involving the same child or family, or is prohibited from considering otherwise admissible information in related court proceedings, comprehensive resolution within the existing structure of the various court divisions is impeded. Frequently duplicate orders are entered; the child or family will require future judicial intervention; or the family may have to make multiple court appearances.

These family law cases place significant demands on the judicial system.¹ More than 15 years ago, the Legislature initiated its own family court reform to address the impact of these cases on the judicial system. A legislatively created Commission on Family Courts was directed to make recommendations, including the implementation of a family division in each judicial circuit.² In subsequent years, Commission recommendations consistently included the development of a judicial process that coordinated the court's equitable and comprehensive consideration of all matters affecting a child and family, regardless of the child's or family's point of entry into the judicial system. In 2001, the Senate directed a joint project to be conducted by the Committee on Children and Families and the Committee on Judiciary for a review of the family court divisions and the unified family court model.³ A key recommendation of the interim project focused on identifying specific statutory changes that would substantially improve the courts' current decision-making abilities in tailoring a cohesive resolution to legal matters arising in multiple concurrent or subsequent cases involving the same child or family.⁴

At the same time the Legislature has been putting forth initiatives to reform the family court system, the Florida Supreme Court created the Family Court Steering Committee in 1994 to, among other things, advise the Court about the circuits' responses to families in litigation and make recommendations on the characteristics of a model family court.⁵ Based upon these recommendations, the Supreme Court has endorsed the idea of a Unified Family Court that is "a fully integrated, comprehensive approach to handling all cases involving children and families, while at the same time resolving family disputes in a fair, timely, efficient, and cost effective

¹ Since 1990, the volume of family law cases has grown exponentially. According to the Office of State Courts Administrator, domestic relation court filings increased from 1986 to 2000 by almost 70 percent, while juvenile delinquency and dependency court filings increased by almost 60 percent. By 2000, these cases accounted for 44.4 percent of all cases heard in circuit courts. See also, *In Re Report of the Family Court Steering Committee*, 794 So. 2d 518 (Fla. 2001). The Florida Supreme Court reports that as of 1998 and 1999, family law cases constituted the largest percentage of all circuit court filings – over 40 percent. The court also reported that for this same period, these cases overwhelmingly represented the largest percentage of circuit court cases that were reopened – almost 70 percent. *Id.* at 520.

² See s. 10, ch. 90-273, L.O.F.

³ The Committee on Children and Families took primary oversight in matters relating to other services and systems for children and families. See Senate Interim Project Report 2002-121, *Review of Family Courts Division and the Model Family Court: Other Services and Systems for Children and Families*. The Committee on Judiciary took primary oversight in matters relating to court services and system. See Senate Interim Project Report 2002-141, *Review of Family Courts Division and the Model Family Court: Court Services and System*.

⁴ Two other major interim projects evolved out of the recommendations: public records (accessibility, confidentiality, and privacy) and the representation of children. The public records matter became the subject of ch. 2002-302, L.O.F. (creating the Study Committee on Public Records). See the study committee's final report: *Examination of the Effects of Advanced Technologies on Privacy and Public Access to Court Records and Official Records*, Feb. 15, 2003. The representation of children was the subject of a separate interim project report, 2002-140, *Legal Needs of Children*, and SB 686 (2002).

⁵ See *In Re Report of the Commission on Family Courts*, 633 So. 2d 14 (Fla. 1994).

manner.”⁶ The recommendations of the Supreme Court related to the operation of a unified family court system were also implemented by Legislature in 2005.⁷

The following are among the recommendations enacted by the Legislature:

- To allow the court system to create a unique identifier to identify all court cases related to the same family;
- To provide that specified orders entered in dependency court take precedence over court orders entered in other civil proceedings; and
- To provide that final orders and evidence admitted in dependency actions are admissible in evidence in subsequent civil proceedings under certain circumstances.

III. Effect of Proposed Changes:

The bill provides additional purposes and legislative intent regarding the implementation of a unified family court program in the circuit courts. These additional purposes are added to the following chapters of the Florida Statutes: ch. 39, pertaining to proceedings relating to children; ch. 61, pertaining to dissolution of marriage, support, and custody; and ch. 985, pertaining to the juvenile justice system. The additional purposes and legislative intent for the implementation of a unified family court are:

- To provide all children and families with a coordinated judicial system that minimizes multiple actions and provides one decisionmaker for each child or family and a coordinated approach in dealing with the applicable issues of the child or family;
- To encourage the circuit courts to implement a unified family court program through a local rule or administrative order, subject to the approval of the Florida Supreme Court; and
- To improve the resolution of disputes within the judicial system for children and families by promoting the Coordinated Management Model⁸ as established by the Florida Supreme Court and promoting the “one family, one judge” concept.

The bill provides an effective date of July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁶ *In Re Report of the Family Court Steering Committee*, 794 So. 2d 518 (Fla. 2001) (endorsing the recommendations of the Family Court Steering Committee); also see, Florida State Courts, Court Programs and Initiatives, Office of Court Improvement, *Unified Family Court*, available at http://www.flcourts.org/gen_public/family/familycourts.shtml.

⁷ Chapter 2005-239, L.O.F.

⁸ The “Coordinated Management Model” denotes the “best practices” endorsed by the Florida Supreme Court in its opinion *In Re Report of the Family Court Steering Committee*, 794 So. 2d 518 (Fla. 2001).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Under the unified family court program, multiple cases involving the same family are coordinated. To the extent that private parties would not be required to attend multiple, duplicative hearings on the same issues in different divisions of the court, they will not be required to pay attorney's fees for as many hearings. The exact savings that may be realized by these parties is difficult to estimate.

C. Government Sector Impact:

A unified family court where all matters pertaining to children and families are heard by the same judge would avoid duplicated efforts within the same circuit and provide for judicial efficiency because the one judge would be familiar with all the issues relating to the children and family.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
