

LBA Performance Audit Report Summary:

Judicial Branch, Family Division Pilot Program Performance Audit Report - January 2000

This audit describes the creation, organization, and evaluation of the Judicial Branch's Family Division Pilot Program (FDPP). Specifically, the audit assesses how successful the Pilot Program has been at achieving its mandated goals through the use of surveys mailed to citizens, attorneys, and other professionals using the program between January 1, 1999 and June 30, 1999.

The Family Division Pilot Program was created by Chapter 152, Laws of 1995. It is intended to promote public interest and to better serve citizens who seek judicial resolution of such family matters as divorce, child custody and visitation, child support, legal separation, paternity, domestic violence, juvenile delinquency, child abuse and neglect, children in need of services, guardianship of minors, termination of parental rights, and adoption. One of the Pilot Program's goals is to have one court, and specifically one judge, handle all family-related matters for a single family. The Pilot Program has taken over new family-related cases previously handled by the Superior Court, District Courts, and Probate Courts in Grafton and Rockingham counties. FDPP cases are heard in District and Probate Court facilities in eight locations in these two counties.

The Pilot Program Is Generally Meeting Its Legislative Goals According To Users

Overall, our survey results show that the Pilot Program continues to receive favorable responses from citizens, attorneys, and other professionals. These responses are a continuation of positive feedback the Pilot Program has received on its own satisfaction questionnaire as documented in two prior studies. Our survey of professional users showed they were generally supportive of the Pilot Program and viewed it as an improvement. However, there was a minority of professional users who did not view the program as an improvement. We also compared the surveys of respondents from the Superior Court and the District Courts and found similar high levels of satisfaction.

FDPP Hearing Officers And Staff Support The Pilot Program

The creation of the Family Division Pilot Program represents a change in philosophy on how courts manage family-related cases in New Hampshire. FDPP hearing officers (judges and marital masters) and staff identified a number of Pilot Program strengths including:

- user-friendly atmosphere,
- staffing FDPP with people committed to handling family-related cases,
- creation of the case manager position which assists divorce litigants who represent themselves,
- emphasis on timeliness of cases (especially marital), and
- the team approach the program uses in managing its work.

Almost all FDPP judges and staff that we spoke to believe the Family Division should stay as a separate division if it is expanded to other counties.

The Pilot Program Is Not Without Additional Costs

Increased services provided by the Family Division Pilot Program have come at an increased cost. The original eighteen-month Pilot Program, as well as its subsequent operation throughout the audit period, was accomplished within existing Judicial Branch appropriations. During the first three years of the program the State provided no additional funding. The Judicial Branch's Administrative Council now says the Pilot Program requires additional funding, especially if it is going to be expanded. The program's costs are not easily identified because all the hearing officers, many of the staff positions, and the use of court facilities were transferred from other courts in the pilot counties. However, the Administrative Office of the Courts has identified \$486,000 of additional costs for 13 FDPP personnel. It has been argued that the existing court system could have made similar improvements and offered new services given more resources.

Conclusion

Users of the Family Division Pilot Program indicated that the program met its mandated goals of serving the public in a user-friendly manner. In addition, our surveys of users in non-FDPP courts indicated high levels of satisfaction with Superior and District Courts. The increased level of service provided by the Pilot Program has come at a price, including the costs of additional personnel. We believe that the Legislature and Supreme Court should take the survey results, as well as the cost issue, into account when deciding the future of the Family Division Pilot Program.