

## Budget Cuts and Family Courts

Nearly every newscast, newspaper, and radio station carries multiple reports about the state of our economy. They are nearly always gloomy. There is one aspect of the economic downturn, though, that receives little coverage and yet affects millions of us, particularly in these times of crisis. Our family courts – the place of last resort for so many families struggling with important legal issues – are facing crippling cuts. These deficits have profound repercussions for the families and children who turn to the courts for help with their most serious problems.

Most states have cut funding for the judiciary dramatically in the last few years, with [California famously cutting \\$350 million from its courts](#) this past summer. In fact, according to a [survey conducted by the National Center for State Courts](#) in July, 2011, 42 states have reduced their court budgets considerably in the last three years. More than half of those have had to cut court operating hours. Thirty-four states have laid off court staff.

The majority of courts around the country are now short-staffed, creating long lines at the courthouse and long waits for trial and hearing dates. Nowhere is this more apparent than in our family courts. [In San Francisco](#), for example, an uncontested divorce, which normally is finalized in five months, may now take a year and a half. A more complex divorce may take years to wind its way through the court process. Child custody cases, which generally are resolved in about six weeks, now can take more than six months. Those six months can be an eternity for a young child trying to cope with the break-up of his family. Similarly, a divorce process that stretches over years can increase familial stress, deepen the negative impact of divorce on children, and increase the probability of domestic violence – all because courts do not have the resources to address a family's problems and to develop a plan that promotes stability and the health of the family.

The circumstances of the [Haggies](#) family in Nashua, New Hampshire, offered a poignant example of how court delays harm families. Mr. and Mrs. Haggie had placed their two young daughters with grandparents because of the family's financial struggles. The parents worked hard to make the changes necessary to enable them to support and nurture their daughters. The judge granted them visitation rights but, because of enormous paperwork backlogs, the order was not mailed until months after the decision (when the Haggies' attorney joined with others to [sue the state](#) of New Hampshire for not providing "sufficient funding of the judicial branch of State government to enable it to meet its obligations to our fellow citizens"). What happened to the



Haggies? "We missed our daughter's first steps... we missed her first day of preschool," said Mr. Haggie.

The Haggies are not alone. Many other families have experienced similar pain caused by court delays – and the problems are only getting worse. The American Bar Association (ABA) has taken note of the impact of severe budget cuts on court operations and administration. The ABA recently has passed policy that sharply urges governments, bar associations, communities, attorneys, and others to take major steps to address cutbacks:

- The ABA urges state, territorial, and local bar associations to document the impact of funding cutbacks to the justice systems in their jurisdictions, to publicize the effects of those cutbacks, and to create coalitions to address and respond to the ramifications of funding shortages to their justice systems.
- The ABA urges state, territorial, and local governments to recognize their constitutional responsibilities to fund their justice systems adequately, provide that funding as a governmental priority, and develop principles that provide for stable and predictable levels of funding of those justice systems.
- The ABA urges federal, state, territorial, and local courts to identify and engage in best practices to insure the protection of the citizens within their jurisdictions, efficient use of court resources, and financial accountability.
- The ABA urges state, territorial and local courts and bar associations to develop sustainable strategies to communicate the value of adequately funding the justice system utilizing advisory groups, enhanced civic and public education, and direct engagement with public officials at all levels.

The [Report](#) attached to the ABA policy documents the adverse impact of draconian budget cuts on our system of government, courts, economy, public safety, and on those who need the protection of our courts, including families, children, the elderly, the poor, and minorities. The report also singles out a new group that needs the protection of the courts: veterans returning from Afghanistan and Iraq and the families they have left behind, who are trying to deal with the almost unprecedented situation of overseas deployments in the midst of a recession.

The ABA [Report](#) recommends that, along with generating public support and pressure for increased court funding, we need to re-organize our courts to make them more streamlined and efficient, requiring fewer resources. The report pointed to the use of problem-solving courts like [Unified Family Courts](#) or drug courts, whose goal is to provide greater access, judges with specific expertise, and the ability to handle disputes in less time and with better formulated

outcomes. Unified Family Courts are also an excellent structure to connect families to community resources that may already be available, making families healthier and taking some of the burden off the courts.

CFCC's mission involves the development, promotion, and implementation of Unified Family Courts as widely as possible. CFCC also is working closely with the ABA Section of Family Law to develop and implement promising practices that can allow courts to respond to the needs of families and children in court as effectively as possible within courts' budgets. In addition, CFCC plans to devote considerable time and resources in 2012 to address this funding crisis in the family justice system.