

Unified Family Court: A Better Option for Children and Families

By Gay L. Inskeep



Marie and John Jones have been married 15 years, and have been separated the past three years. They have a 14 year-old daughter, Danielle, who has been living with her mother, Marie, since her parents' separation. Marie also has a two year-old son, Sam, by her current live-in, Ben.

Marie has allegedly neglected Danielle. Marie regularly stays out until the early morning hours (until 2 a.m.) leaving Danielle alone with her 2 year old brother, Sam.

Child protective services is considering placing Danielle in John's home. Danielle has run away and shoplifting charges are pending.

Sam may be developmentally delayed, possibly due to fetal drug or alcohol exposure.

Ben files a paternity action seeking custody of Sam. Marie files for divorce, seeking custody of and support for both children.

John counters for divorce and seeks custody of Danielle, but denies he is Sam's father.

Marie requests an injunction order against John based on an incident at a visitation pick-up.

John was arrested and charged with domestic violence against Marie – a charge he vehemently denies.

Danielle witnesses the incident and is subpoenaed for the criminal trial.

The fictional Jones' family might be involved in the following legal actions:

- Child Support
- Dissolution of Marriage
- Delinquency
- Dependency
- Domestic Violence
- Paternity

Prior to the creation of the Unified Family Court, these cases would have potentially been heard by four or more judges, general masters, and hearing officers, at three or more courthouse locations. With the implementation of the Unified Family Court on July 1, 2001, the Jones family can have their cases heard by one judge, at one courthouse location.

Now in operation for over one year, the Unified Family Court ("UFC") judges in Pinellas County have been hearing cases such as the ones involving the fictional Jones family. The UFC in Pinellas includes the following case types:

- Juvenile dependency
- Termination of Parental Rights
- Juvenile delinquency
- Emancipation
- CINS/FINS
- Truancy
- Temporary Custody actions under Chapter 751
- Adoptions (subsequent to a Termination of Parental Rights action)
- Civil domestic violence identified as having a related dependency or delinquency case
- Modification and enforcement of orders entered in these cases.

Besides conducting thousands of hearings on detention and shelter petitions, motions, pre-trials and trials in dependency, delinquency, and adoption cases, the four judges assigned to the UFC (Judge Frank Quesada, Judge Marion L. Fleming, Judge Robert Morris, and Judge Irene Sullivan), also hear any domestic relations or domestic violence cases which are related to pending dependency cases and certain delinquency cases. Once a case in another division is referred to the UFC, case managers search for other connected cases, and review the pending court files. If a case is accepted

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into UFC, an order of reassignment is entered, and the related cases become attached to the dependency or delinquency cases, creating a master UFC case. Since January 1, 2002, the Unified Family Court case managers have researched over 400 dependency cases, which have related cases filed in other divisions. The types of "cross-over" cases that are typically being created as Unified Family Court master cases include the following:

- Dependency/Delinquency - 31%
- Dependency/Domestic Violence - 28%
- Dependency/Domestic Relations - 21%
- Dependency/Domestic Relations/Domestic Violence - 4%
- Delinquency/Domestic Relations - 4%
- Dependency/Delinquency/Domestic Violence - 3%
- Delinquency/Domestic Violence - 3%
- Dependency/Delinquency/Domestic Relations - 2%
- Other - 4%

Although the complexity of issues involved in these cases, and the sometimes complicated web of relationships amongst the parties, might appear to make for a difficult assignment, the judges currently assigned to the UFC sing its praises. Some observations from the bench include:

"I view a domestic battery committed by the child in a whole new manner. As a Unified Family Court judge, I consider the harmful impact that a battery trial would have on

the family dynamics and family relationships, regardless of the outcome of guilt or innocence. My goal is to determine what services and treatment need to be in place to assist the family in the healing process. I am not going to allow some young public defender or state attorney to cut their teeth at the expense of the destruction of the family unit. While I generally require an admission of guilt in delinquency cases, in domestic batteries cases, I allow the child to enter a no contest plea."

"As a result of being a UFC judge the delinquency disposition imposed may be different and more individualized. Since I sat through the divorce, ruled on the domestic violence injunction, or heard the dependency proceedings, I am extremely familiar with the family dynamics. For example, the court may be aware of the traumatic impact of the divorce on the child and order appropriate counseling, or the court may be aware of the alcohol issues that the child's parent has and order that the child participate in AlAnon. It is unfortunately possible that the most "functional" member of the family may be the child. Consequently, the UFC judge is more fully able to address issues and needs that the State Attorney or Department of Juvenile Justice may have missed."

"Just this morning, I had a 17-year-old child who was charged with committing a crime. However, she was in foster care and a great deal of her delinquency behavior had to do with her foster placement. The court was able to impose a disposition taking

into account the placement, and making special accommodations and recommendations due to her unusual circumstances."

The Unified Family Court is funded by a grant-in-aid from the Office of the State Courts Administrator. The grant reimburses Pinellas County for the salaries and fringe benefits of the UFC case managers, operating expenses, and contract services for court-appointed mediators. The UFC was also established in East Pasco County, although prior to formal implementation, Judge Lynn Tepper had established a "de facto" unified family court over the years by hearing all of the delinquency, dependency, adoptions, domestic violence, and family law cases in Dade City. The grant also allowed East Pasco to hire a case manager, who assists the judge by capturing related cases earlier in the process, allowing for more meaningful hearings and faster disposition for the families involved. In addition, the circuit was awarded an expansion grant, which has allowed for the addition of a case manager to West Pasco. Effective January 1, 2003, Judge William R. Webb will preside over New Port Richey's first Unified Family Court.

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Special thanks to Judge Lynn Tepper for providing the information for the fictional Jones family for this article.