

**Access to Justice in Family Law Matters:
Results of a Survey of Family Court Professionals
Executive Summary**

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Introduction

Within the last decade, the term “Access to Justice” has grown in popularity among legal commentators, scholars, family justice reformers, government policy makers, and the media. But with all of this new attention, there remains no common understanding or definition of Access to Justice and its potential implications for children and families in domestic relation courts.

AFCC’s Access to Family Court Services Task Force developed a survey in collaboration with the University of Toronto to explore family law professionals’ beliefs and attitudes about Access to Justice. The purpose of this survey was to learn professionals’ views about Access to Justice and to explore their attitudes toward the types of services that have been developed to address the current access challenges. It was envisioned that the results of this study would help inform reform efforts, current practices, and provide concrete suggestions for improving services for families involved in family law disputes.

This cross-sectional study used an electronic survey as the method for data collection. The purpose of the online survey was to allow for the distribution of the survey to a large number of potential participants within a short period of time. As the electronic survey was broadly circulated, participants were recruited from both rural and urban areas. The survey also collected open-ended responses from participants, which allows for an in-depth analysis of the experiences of legal and mental health professionals.

Purposive sampling was used for this study. Recruited participants included legal professionals (judges, lawyers, and court administrators), mental health professionals and dispute resolution professionals (social workers, mediators, custody evaluators, parenting coordinators) who provide services to families involved in family law disputes.

Recruitment occurred by circulating the link to the online survey. The link was distributed to members of the Association of Family and Conciliation Courts, the National Council of Juvenile and Family Court Judges, the International Association of Court Administrators and informally through several professional listservs.

The electronic survey was created using the software “Fluid Survey.” This software uses security technology such as firewalls and encryption to ensure the protection of data. The survey consisted of 33 questions and took respondents approximately 30 minutes to complete (See Appendix A).

Access to Justice in Family Law Matters

Results of the Survey

A total of 442 participants responded to the survey (68.5% female and 31.5% male). The survey was completed by 398 respondents (completion rate 90%) from a range of primary areas of professional practice (see Table 1).

Table 1: Primary Area of Professional Practice

| Response | Percentage | Count |
|---|------------|-------|
| Attorney / Lawyer | 26.0% | 113 |
| Academic | 2.3% | 10 |
| Court Administrator | 2.5% | 11 |
| Judge | 15.0% | 65 |
| Referee / Court Commissioner / Magistrate | 2.3% | 10 |
| Private practice mediator | 5.5% | 24 |
| Court-employed mediator | 4.6% | 20 |
| Private practice custody evaluator | 13.4% | 58 |
| Court-employed custody evaluator | 3.0% | 13 |
| Parent Educator | 1.2% | 5 |
| Program Manager / Supervisor | 5.1% | 22 |
| Advocate | 0.9% | 4 |
| Other. Please specify | 17.2% | 79 |
| Total | | 434 |

The majority of respondents (52.1%) worked in private for-profit settings, 35.4% worked in public-court connected settings, 8.8% worked in private not for profit setting and 3.7% stated that they worked in other settings.

Across primary areas of professional practice, the majority of respondents were over the age of 50 years (71.4%), devoted between 80 and 100% of their practice to family law matters (58.3%), had worked in the family law sector for more than 16 years (61.5%) in large urban areas (populations over 200,000) (54.6%); 23.6% stated that they practiced in mid-sized urban areas (50,000 to 199,999), 7.6% in small urban areas (under 59,999) and ten percent of participants stated that they practiced in rural areas.

I. Changing Families Within Family Courts

Participants were asked to indicate whether specific populations accessing justice services have changed in the past seven years (see Table 2). Participants indicated they believed that there has been a dramatic increase in self-represented litigants (71.8%), never married parents (70%), LGBTQ parents (48.1%) and repeat litigants (43.1%). A number of participants stated that they did not know whether there had been changes in military families (39.7%), third party caretakers (28.0%), LGBTQ parents (23.4%), repeat litigants (13.8%), self-represented litigants (9.7%) and never-married parents (9.2%). It is unclear why so many participants indicated that they did not

Access to Justice in Family Law Matters

know whether these populations increased in the family courts. Participants may have been unaware of the potential changes based on their limited exposure to these diverse populations in the field of practice or may have not have noticed these changes over time. The high percentages of ‘don’t know’ is puzzling and worthy of future inquiry.

Table 2: Changing Families Within the Family Courts

| Family Type | Increased | Decreased | Remain the Same | Don't Know | Total Responses |
|---|-------------|-----------|-----------------|-------------|-----------------|
| Self-Represented Litigants | 282 (71.8%) | 4 (1.0%) | 69 (17.6%) | 38 (9.7%) | 393 |
| Never-Married Parents | 275 (70.0%) | 3 (0.8%) | 79 (20.1%) | 36 (9.2%) | 393 |
| LGBTQ Parents (E.G. Same-sex Parents) | 189 (48.1%) | 2 (0.5%) | 110 (28.0%) | 92 (23.4%) | 393 |
| Repeat Litigants | 168 (43.1%) | 13 (3.3%) | 155 (39.7%) | 54 (13.8%) | 390 |
| Parties with Matters in More than One Court | 120 (30.7%) | 20 (5.1%) | 143 (36.6%) | 108 (27.6%) | 391 |
| Third Party Caretakers | 141 (35.9%) | 7 (1.8%) | 135 (34.4%) | 110 (28.0%) | 393 |
| Military Families | 78 (19.8%) | 10 (2.5%) | 149 (37.9%) | 156 (39.7%) | 393 |

We also provided an open-ended comment box to list any other changes to the client populations in the last seven years and we received a range of comments. Many of the additional comments suggest that family law cases are becoming increasingly complex and under-resourced.

Some participants commented that clients seem to remain in the court system longer. As one participant noted: “At one point a ‘few’ years seemed excessive. Now there are people who have been in the system for five years and longer.” Some suggested that families are now more likely to be involved with multiple courts (Criminal, Family, Child Protection, etc.), which adds to both the complexity of the case and the duration of attempting to resolve the case within family courts. As one participant noted: “More families have one parent facing criminal charges which can take up to two years or more to be resolved. This puts added strain on the family and on the family court process waiting for the results of criminal court.”

Other participants noted that families are becoming more complex which makes it more difficult for the family court system to resolve these cases efficiently. As one participant noted: “There is more personality dysfunction, mental illness (depression, anxiety disorders etc.) This creates many challenges because it is often difficult to reduce conflict between the parties if these conditions are present. Increasing poverty is also a concern. Jobs are lost with no new economic

Access to Justice in Family Law Matters

opportunities in sight. The strain on families is enormous.” Others noted that there are also more blended families that also add to the new complexity of families.

II. Definition of Access to Justice

For the purpose of this study, Access to Justice was defined as “The ability of disputants to seek and obtain a remedy through formal (e.g. the courts) or informal (e.g. mediation) institutions and services for resolving disputes.” The vast majority of participants (87.6%) agreed with the definition. Of those who did not agree with this definition (12.4%), several alternative definitions were provided. The most common alternate approach emphasized the differences between access and justice. As one stated, “Courts are a court of law, not a court of Justice”. Another noted that “Access to Justice is two different things...access to timely court proceedings, access to information, access to professional and timely decisions, access to accurate information. Justice is consistent criteria and results based on general, uniform policies and law. Some people have more access because they have an attorney. Some people have ‘justice’ because the other side is unrepresented.” Contrarily, others argued non-legal access should be given greater emphasis and should include “...the therapeutic, social and other services necessary to support a family through the restructuring entailed by separation. Justice isn't just a legal issue in family law; they are all intertwined in produce just results.”

Participants who commented that the focus on remedies was too limiting, pointed out that “...procedural fairness and the psychological experience of the process is important too,” while others stated that the definition should also include “...timely, efficiently and cost effectively.” Some emphasized the current barriers for achieving Access to Justice and suggestions were made to also include “...inequities in ability to afford good legal representation” and those disadvantaged by a lack of information about the law to adequately navigate within the justice system, especially *pro se* parties.

In summary, for those participants who differed on the proposed definition of Access to Justice, it is clear that they would want the definition to Access to Justice to include a focus on a just outcome for the parties involved, attention towards the psychological and emotional wellbeing of the parties involved in family disputes, and more focus on the family law professionals to help ameliorate family relationships, especially parent-parent relationships and parent-child relationships post separation and divorce.

III. Beliefs Related to Access to Justice

Participants were asked to indicate how strongly they agreed or disagreed with statements provided that were related to Access to Justice. The statements were selected because of their relevance to the discussion of Access to Justice and because it was hypothesized that there may be differences between professions. Understanding the level of agreement regarding these beliefs is important to understanding definitional issues related to Access to Justice because disagreements about priorities can create obstacles in developing strategies for best addressing Access to Justice issues. Table 3 provides the list of statements, and the corresponding percentages of agreement for the total sample.

Access to Justice in Family Law Matters

Table 3: Percentage of Agreement Across Assumptions Related to Access to Justice

| Survey Statements | Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree | Total Responses |
|--|----------------|----------------|----------------|----------------|-------------------|-----------------|
| Parent education should be mandatory for all parents prior to court involvement. | 234 (59.7%) | 105 (26.8%) | 33 (8.4%) | 11 (2.8%) | 9 (2.3%) | 392 |
| Mediation should be mandatory for all parties prior to court involvement. | 141 (36.0%) | 120 (30.6%) | 57 (14.5%) | 45 (11.5%) | 29 (7.4%) | 392 |
| Parties should be screened for conflict and referred to services that best meets their needs. | 236 (60.2%) | 125 (31.9%) | 18 (4.6%) | 8 (2.0%) | 5 (1.3%) | 392 |
| All cases should be screened for domestic violence. | 242 (61.7%) | 95 (24.2%) | 36 (9.2%) | 13 (3.3%) | 6 (1.5%) | 392 |
| High conflict cases should be fast tracked to litigation. | 85 (21.7%) | 74 (18.9%) | 73 (18.7%) | 113 (28.9%) | 46 (11.8%) | 391 |
| Additional services outside of the court (information, education, support) should be offered to families prior to their involvement with the courts. | 205 (52.2%) | 147 (37.4%) | 32 (8.1%) | 8 (2.0%) | 1 (0.3%) | 393 |
| All children involved with the courts should be offered a lawyer to represent his/her views. | 47 (12.0%) | 55 (14.0%) | 98 (25.0%) | 137 (34.9%) | 55 (14.0%) | 392 |
| Unbundling services should be offered to all clients. | 86 (22.3%) | 109 (28.3%) | 150 (39.0%) | 26 (6.8%) | 14 (3.6%) | 385 |
| Referring children too early to therapy can jeopardize the legal case. | 14 (3.6%) | 28 (7.1%) | 110 (28.1%) | 130 (33.2%) | 110 (28.1%) | 392 |
| Mediation should not be offered to families when one party reports domestic violence. | 36 (9.2%) | 48 (12.2%) | 56 (14.3%) | 184 (46.9%) | 68 (17.3%) | 392 |
| Only the most complex cases should be sent to court to resolve disputes. All other cases should be resolved outside of the court system. | 32 (8.2%) | 91 (23.3%) | 73 (18.7%) | 142 (36.4%) | 52 (13.3%) | 390 |
| In contested cases, all children should be given the opportunity to speak with the Judge in accordance with the age and maturity of the child. | 41 (10.5%) | 85 (21.7%) | 72 (18.4%) | 130 (33.2%) | 64 (16.3%) | 392 |
| For Access to Justice to succeed, collaboration among both legal and non-legal professionals is needed. | 263 (67.1%) | 104 (26.5%) | 13 (3.3%) | 8 (2.0%) | 4 (1.0%) | 392 |

Access to Justice in Family Law Matters

IV. Ranking of Priorities Related to Access to Justice

Participants were asked to rate the importance of various priorities related to Access to Justice from 1 (most important) to 10 (least important); therefore, lower means are related to higher importance (see Table 4). Reducing family conflict was rated as the most important priority, followed by quicker resolution of disputes and timely access to alternative dispute resolution. Interestingly, reducing litigation rated as the least important priority.

Table 4: Ranking of Priorities Related to Access to Justice

| Item | Rank of Importance | Mean | Standard Deviation |
|--|--------------------|------|--------------------|
| Reducing Family Conflict | 1 | 3.91 | 2.702 |
| Quicker Resolution of Disputes | 2 | 4.54 | 2.482 |
| Timely Access to Alternative Dispute Resolution | 3 | 4.63 | 2.567 |
| Improving Children's Adjustment Post Separation | 4 | 4.85 | 2.769 |
| Improved Services for Self-Represented Litigants | 5 | 5.21 | 3.062 |
| Increased Protection Against Domestic Violence | 6 | 5.87 | 2.602 |
| Easier Access to Court/Judicial Hearings | 7 | 5.88 | 2.999 |
| Increased Services for Marginalized Populations | 8 | 5.93 | 2.672 |
| Reducing Court Cost for Families | 9 | 6.27 | 2.537 |
| Reducing Litigation Rates | 10 | 7.32 | 2.643 |

Note: R = rank of importance, M = Mean, SD = Standard Deviation

In addition to completing the ranking of all priorities, we also conducted an analysis of the different rankings by professional groups (lawyers, judges, dispute resolution professionals, evaluators, court administrators and mental health professionals). Almost all professional groups ranked reducing family conflict as the top priority for access to justice initiatives. But professional differences were noted in the ranking of priorities (see Table 5). Lawyers and judges' highest priorities were associated with increasing the efficiency of the legal system; judges and administrators' highest priorities were associated with increasing services for self-represented litigants; and mental health and dispute resolution professionals' highest priorities were associated with increasing family wellbeing and improving child adjustment.

Access to Justice in Family Law Matters

Table 5: Summary of Priorities by Professional Groups

| Priority | Lawyers | Judges | DR | Evaluators | Admin. | MHP |
|----------|---|--|--|--|--|---|
| High | <ul style="list-style-type: none"> •Reduce Conflict •Quicker Resolution •Timely DR | <ul style="list-style-type: none"> •Reduce Conflict •Services for SRLs •Quicker Resolution •Timely DR | <ul style="list-style-type: none"> •Reduce Conflict •Timely DR •Services for SRLs •Quicker Resolution | <ul style="list-style-type: none"> •Reduce Conflict •Quicker Resolution •Services for SRLs •Timely DR | <ul style="list-style-type: none"> •Services for SRLs •Timely DR •Reduce Conflict •Quicker Resolution | <ul style="list-style-type: none"> •Reduce Conflict •Services for SRLs •Quicker Resolution •Timely DR |
| Moderate | <ul style="list-style-type: none"> •Services for SRLs •Access to Hearings •Services for SRLs •Reduce Court Costs | <ul style="list-style-type: none"> •Services for SRLs •Services for Marginalized Pop •Protection Against Domestic Violence •Access to Hearings | <ul style="list-style-type: none"> •Services for SRLs •Protection Against Domestic Violence | <ul style="list-style-type: none"> •Protection Against Domestic Violence •Services for Marginalized Pop •Access to Hearings | <ul style="list-style-type: none"> •Services for SRLs •Protection Against Domestic Violence •Access to Hearings | <ul style="list-style-type: none"> •Reduce Court Costs •Protection Against Domestic Violence |
| Low | <ul style="list-style-type: none"> •Protection Against Domestic Violence •Services for Marginalized Pop •Reduce Litigation | <ul style="list-style-type: none"> •Reduce Court Costs •Reduce Litigation | <ul style="list-style-type: none"> •Services for Marginalized Pop •Reduce Court Costs •Access to Hearings •Reduce Litigation | <ul style="list-style-type: none"> •Reduce Court Costs •Services for SRLs •Reduce Litigation | <ul style="list-style-type: none"> •Services for Marginalized Pop •Reduce Court Costs •Reduce Litigation | <ul style="list-style-type: none"> •Access to Hearings •Services for SRLs •Services for Marginalized Pop •Reduce Litigation |

V. Barriers to Access to Justice

Respondents were asked to identify specific barriers to Access to Justice (see Table 6). Across professions, the financial cost of services was identified by 84.7% of respondents, the most frequently identified barrier. Other common challenges included insufficient information about the court process (71.4%), lack of alternatives to litigation for resolving family disputes (55.6%), fear of violence by the other parent (48%), language barriers (48.2%), fear of bias by agency or court officials (47.4%), transportation to services (40.1%), and language barriers - functional literacy (38.5%). Only 31.1% of respondents indicated that a lack of cultural diversity of services was a barrier, and only 11.5% indicated that physical barriers to access services challenged the delivery of Access to Justice.

Access to Justice in Family Law Matters

Table 6: Identification of Barriers to Access to Justice

| Response | Chart | Percentage | Count |
|--|-------|------------|------------|
| Transportation to services | | 40.1% | 157 |
| Language barriers - functional literacy | | 38.5% | 151 |
| Language barriers - non-native / second language abilities | | 48.2% | 189 |
| Lack of cultural diversity of services | | 31.1% | 122 |
| Physical barriers to access services | | 11.5% | 45 |
| Lack of alternatives (other than litigation) for resolving family disputes | | 55.6% | 218 |
| Fear of violence of the other parent | | 48.5% | 190 |
| Fear of bias by agency or court officials | | 47.4% | 186 |
| Financial cost of services | | 84.7% | 332 |
| Insufficient information about the court process | | 71.4% | 280 |
| Other, please specify | | 16.3% | 64 |
| Total Responses | | | 392 |

VI. Access to Services

Participants were asked to indicate the availability of services in their jurisdiction. Specifically, they were asked what types of services were available, the services not available but needed, the types of services that they felt they did not need and whether or not they knew if these services existed. These services were chosen based on the literature on the types of services that have been developed to enhance client experiences in family law disputes.

A. General Services for Court Users

General services for court users included a law library for litigants, child care services, convenient public transportation and signage (see Table 7). The majority of respondents (63%) indicated that there was no child care center for litigants in their area of practice and only 5.1% indicated that there was no need. The majority of participants indicated that litigants had access to libraries (67%), convenient public parking (75%) and public transportation (65%) and signage (71.5%). Between 4% and 18% of participants did not know whether these services existed in their area.

Access to Justice in Family Law Matters

Table 7: General Services for Court Users

| Services | Available in Our Area | Not Available but Needed | Have No Need | Don't Know | Total Responses |
|----------------------------------|-----------------------|--------------------------|--------------|------------|-----------------|
| Law Library for Litigants | 251 (66.8%) | 34 (9.0%) | 22 (5.9%) | 69 (18.4%) | 376 |
| Child Care Center for Litigants | 60 (16.0%) | 238 (63.6%) | 19 (5.1%) | 57 (15.2%) | 374 |
| Convenient Public Parking | 285 (75.4%) | 72 (19.0%) | 6 (1.6%) | 15 (4.0%) | 378 |
| Convenient Public Transportation | 245 (65.2%) | 109 (29.0%) | 7 (1.9%) | 15 (4.0%) | 376 |
| Signage | 268 (71.5%) | 41 (10.9%) | 11 (2.9%) | 55 (14.7%) | 375 |

Additional services that participants wished were available to litigants in their area included: self-help center; more free legal services to low income people; more pro bono legal services; law student assistance completing forms; family law information center located at the court house; court facilitators to help with paperwork; lawyer of the day; family duty counsel for immediate settlement discussions; free legal clinics; courthouse security; low fee/no fee parenting consultants, custody evaluations for modest incomes; early triage system; and incentives for use of DR

B. Services for Court Users with Limited or No English Skills

Respondents were asked about availability of services for court users with limited or no English skills including staff who can speak and read other languages; court forms in other languages; and informational materials in other languages (see Table 8). Just over half of all participants stated that they had these services in their jurisdiction and just over 15% did not know whether they had these services.

Table 8: Services for Court Users with Limited or No English Skills

| Services | Available in Our Area | Not Available but Needed | Have No Need | Don't Know | Total Responses |
|--|-----------------------|--------------------------|--------------|------------|-----------------|
| Staff who can speak and read other languages | 217 (58.0%) | 79 (21.1%) | 15 (4.0%) | 63 (16.8%) | 374 |
| Court forms in other languages | 198 (53.4%) | 88 (23.7%) | 15 (4.0%) | 70 (18.9%) | 371 |
| Informational materials in other languages | 215 (57.6%) | 83 (22.3%) | 12 (3.2%) | 63 (16.9%) | 373 |

Access to Justice in Family Law Matters

Participants also provided additional types of services that could assist court users with limited or no English skills. These included: interpreters (language and sign language interpreters); self-help services in multiple languages; plain language documents in multiple languages; bilingual/bicultural advocates for victims of violence; and multilingual courthouse personnel.

C. Victim Services

The majority of participants indicated that they had victim support services (89%) and screening tools (78%), but far fewer indicated that they had trauma-informed practice for children (39%), specialized dispute resolution for cases of violence (36%) and domestic violence courts (47%) (see Table 9).

Table 9: Victim Services

| Services | Available in Our Area | Not Available but Needed | Have No Need | Don't Know | Total Responses |
|---------------------------------------|-----------------------|--------------------------|--------------|------------|-----------------|
| Domestic Violence Screening Tools | 293 (77.9%) | 46 (12.2%) | 3 (0.8%) | 34 (9.0%) | 376 |
| Restraining Order Clinics | 135 (36.0%) | 132 (35.2%) | 19 (5.1%) | 89 (23.7%) | 375 |
| Trauma-informed Practice for Children | 145 (38.8%) | 143 (38.2%) | 5 (1.3%) | 81 (21.7%) | 374 |
| Specialized DR for Cases of Violence | 133 (35.5%) | 161 (42.9%) | 9 (2.4%) | 72 (19.2%) | 375 |
| Domestic Violence Courts | 174 (46.9%) | 129 (34.8%) | 25 (6.7%) | 43 (11.6%) | 371 |
| Victim Support Services | 336 (89.4%) | 18 (4.8%) | 2 (0.5%) | 20 (5.3%) | 376 |

Other victim services recommended included: supervised access services; experts in domestic violence, substance abuse, and child abuse; additional safe and sober housing options; finance education, free parenting courses, assistance with debt consolidation and credit recovery; and family court-informed victim services

D. Court Management Practices

The majority of participants indicated that they had judicial case management in their area (76%) and specified timeframes for court procedures (69%). Other case management practices included: De-activation procedures for inactive cases (51%); One family, one judge (48%); triage of court-based services (25%) and differentiated case management (26%) (see Table 10).

Access to Justice in Family Law Matters

Table 10: Court Management Practices

| Services | Available in Our Area | Not Available but Needed | Have No Need | Don't Know | Total Responses |
|--|-----------------------|--------------------------|--------------|-------------|-----------------|
| Judicial Case Management | 284 (75.9%) | 42 (11.2%) | 1 (0.3%) | 47 (12.6%) | 374 |
| Specified Timeframes for Court Procedures | 258 (68.8%) | 70 (18.7%) | 9 (2.4%) | 38 (10.1%) | 375 |
| Deactivation Procedures for Inactive Cases | 192 (51.2%) | 37 (9.9%) | 13 (3.5%) | 133 (35.5%) | 375 |
| One family, One judge | 181 (48.3%) | 135 (36.0%) | 13 (3.5%) | 46 (12.3%) | 375 |
| Triage of court-based services | 95 (25.4%) | 182 (48.7%) | 12 (3.2%) | 85 (22.7%) | 374 |
| Differentiated case management | 99 (26.3%) | 136 (36.2%) | 8 (2.1%) | 133 (35.4%) | 376 |

One participant stated that “court management practices are inefficient and vary widely from judge to judge.” Others stated that more judges were needed to cover the increase in complex cases: “Quite frankly, we need more judges. These cases take longer, especially when people are trying to represent themselves. We don’t have enough judges or time to do what we need to do quickly enough.”

There was also substantial emphasis on developing triage and early differentiation within the courts. As one participant stated:

“There should be greater screening for non-essential litigation; or the setting down of a court application for non-essential litigation.... There should be a requirement on behalf of counsel to show that they made at least one attempt to request voluntary disclosure prior to setting the matter down for a court application. There should be a review of all the court systems, application processes to screen out this unnecessary use of the courts. This would make more court availability for the cases that truly require the assistance of the court.”

E. Services for Self-Represented Litigants

Services for self-represented litigants also ranged across participants. These included pro se family law coordinators (24%); customer services centers to refer court users to appropriate services (44%); self-help audio/video materials about court forms and procedures (30%); and law school clinics (43%). The majority of participants indicated that their jurisdiction had self-help written materials about court forms and procedures (78%); and pro-bono services (72%) (see Table 11).

Access to Justice in Family Law Matters

Table 11: Self-Represented Litigant Services

| Services | Available in Our Area | Not Available but Needed | Have No Need | Don't Know | Total Responses |
|---|-----------------------|--------------------------|--------------|-------------|-----------------|
| Pro-Se Family Law Coordinator | 89 (23.8%) | 179 (47.9%) | 23 (6.1%) | 83 (22.2%) | 374 |
| Customer Services Center to Refer Court Users to Appropriate Services | 163 (43.7%) | 149 (39.9%) | 11 (2.9%) | 50 (13.4%) | 373 |
| Self-help Written Materials about Court Forms and Procedures | 292 (78.3%) | 44 (11.8%) | 5 (1.3%) | 32 (8.6%) | 373 |
| Self-help Audio/Video Materials about Court Forms and Procedures | 112 (30.1%) | 146 (39.2%) | 14 (3.8%) | 100 (26.9%) | 372 |
| Law School Clinics | 161 (43.3%) | 107 (28.8%) | 18 (4.8%) | 86 (23.1%) | 372 |
| Pro-bono Services | 268 (71.7%) | 69 (18.4%) | 3 (0.8%) | 34 (9.1%) | 374 |

Some participants suggested that they would rather litigants have greater access to attorneys, as self-representation often leads to unintended consequences to the litigants. As one respondent stated: “It would be much wiser and ultimately more cost effective to focus on better access to attorney representation.”

Others suggested that there should be more attention towards: targeted legal information for litigants (depending on the stage of their case); cost effective services for self-represented litigants to resolve pending or post decree disputes, particularly around parenting issues; and more pro bono or low fee services and consultation provided by attorneys.

F. Alternative Dispute Resolution Services

Other than early neutral evaluation (31%), respondents reported widespread access to various DR services, including court-connected mediation (89%); private mediation (97%); collaborative law (73%); parenting coordination (73%); parent information / education programs (91%); and judicial settlement (66%) (see Table 12).

Access to Justice in Family Law Matters

Table 12: Alternative Dispute Resolution

| Services | Available in Our Area | Not Available but Needed | Have No Need | Don't Know | Total Responses |
|---|-----------------------|--------------------------|--------------|------------|-----------------|
| Court-connected Mediation | 336 (89.4%) | 21 (5.6%) | 6 (1.6%) | 13 (3.5%) | 376 |
| Private Mediation | 361 (96.5%) | 8 (2.1%) | 1 (0.3%) | 4 (1.1%) | 374 |
| Collaborative Law | 271 (73.0%) | 38 (10.2%) | 14 (3.8%) | 48 (12.9%) | 371 |
| Parenting Coordination | 272 (73.3%) | 66 (17.8%) | 7 (1.9%) | 26 (7.0%) | 371 |
| Parent Information / Education Programs | 342 (91.0%) | 26 (6.9%) | 1 (0.3%) | 7 (1.9%) | 376 |
| Early Neutral Evaluation | 116 (31.1%) | 140 (37.5%) | 18 (4.8%) | 99 (26.5%) | 373 |
| Judicial Settlement | 246 (66.1%) | 41 (11.0%) | 18 (4.8%) | 67 (18.0%) | 372 |

Other dispute resolution services participants indicated were needed in their communities included: subsidized parenting coordination services; instructional video required at start of each mediation; family arbitration; low cost mediation; high conflict case diversion program; specialized dispute resolution options for domestic violence and high conflict cases; counselling advice for parents to help children; family relations centers (similar to Australia); children's education programs; divorce coaching before case is filed; mandatory settlement conferences. One participant made the point that: "We have numerous private DR service available, but attorneys don't seem to understand what they are or don't want to steer their clients in that direction. I am attending an attorney lunch today to talk about it, but I don't feel confident it will motivate them to use DR services more often. Sad."

G. Technology Services

There was a mix of availability of various forms of technology as reported by the participants. These included: wireless access in the courthouse (53%); court forms that can be completed on the Internet (e.g. e-forms) (62%); family law information website (65%); teleconferencing (59%); videoconferencing (42%); enhanced access for persons with disability (e.g. voice activated software) (19%); public access to a computer in the courthouse (42%); and online parent education program (54%) (see Table 13).

Access to Justice in Family Law Matters

Table 13: Technology

| Services | Available in Our Area | Not Available but Needed | Have No Need | Don't Know | Total Responses |
|---|-----------------------|--------------------------|--------------|-------------|-----------------|
| Wireless Access in the Courthouse | 199 (53.2%) | 101 (27.0%) | 3 (0.8%) | 71 (19.0%) | 374 |
| Court Forms that can be Completed on the Internet (e.g. e-forms) | 235 (62.3%) | 91 (24.1%) | 4 (1.1%) | 47 (12.5%) | 377 |
| Family Law Information Website | 248 (65.6%) | 81 (21.4%) | 4 (1.1%) | 45 (11.9%) | 378 |
| Teleconferencing | 218 (58.6%) | 78 (21.0%) | 11 (3.0%) | 65 (17.5%) | 372 |
| Videoconferencing | 156 (42.2%) | 117 (31.6%) | 9 (2.4%) | 88 (23.8%) | 370 |
| Enhanced Access for Persons with Disability (e.g. voice activated software) | 72 (19.3%) | 118 (31.6%) | 7 (1.9%) | 176 (47.2%) | 373 |
| Public Access to a Computer in the Courthouse | 158 (41.9%) | 119 (31.6%) | 4 (1.1%) | 96 (25.5%) | 377 |
| Online parent education program | 203 (54.0%) | 88 (23.4%) | 20 (5.3%) | 65 (17.3%) | 376 |

VII. Access to Legal, Dispute Resolution and Mental Health Services

Participants were asked about whether the services in their jurisdictions were private or public (see Table 11). The results demonstrate that there is greater availability of private for profit services than in the public or nonprofit sectors. For example, there is a substantial difference between the availability of private for profit custody evaluations (84%) and public custody evaluations (30%) and private parenting coordination (72%) and public access to parenting coordination (14%). Of course, the private for profit services are typically available only to those who can afford to pay, and this points to an important gap in accessibility. It is also clear that some services, such as Conservatorship investigation and Guardianship investigations are less known to the participant (see Table 14).

Access to Justice in Family Law Matters

Table 14: Access to Services

| Services | Yes, private for-profit | Yes, private not for-profit | Yes, public | No | Don't Know | Total Responses |
|-----------------------------------|-------------------------|-----------------------------|----------------|---------------|----------------|-----------------|
| Mediation | 291 (79.5%) | 160 (43.7%) | 207 (56.6%) | 1 (0.3%) | 1 (0.3%) | 366 |
| Custody Evaluation | 309 (84.4%) | 49 (13.4%) | 108 (29.5%) | 10 (2.7%) | 13 (3.6%) | 366 |
| Supervised visitation / exchange | 235 (64.6%) | 155 (42.6%) | 87 (23.9%) | 30 (8.2%) | 5 (1.4%) | 364 |
| Parenting coordination | 260 (71.8%) | 35 (9.7%) | 43 (11.9%) | 49 (13.5%) | 29 (8.0%) | 362 |
| Guardianship Investigation | 111 (31.6%) | 40 (11.4%) | 98 (27.9%) | 31 (8.8%) | 134 (38.2%) | 351 |
| Conservatorship Investigation | 72 (19.9%) | 21 (5.8%) | 43 (11.9%) | 36 (10.0%) | 219 (60.7%) | 361 |
| Substance Abuse Evaluations | 286 (78.6%) | 133 (36.5%) | 112 (30.8%) | 12 (3.3%) | 23 (6.3%) | 364 |
| Mental Health Evaluations | 293 (81.4%) | 92 (25.6%) | 111 (30.8%) | 11 (3.1%) | 20 (5.6%) | 360 |
| Guardian ad litem Services | 193 (53.5%) | 76 (21.1%) | 157 (43.5%) | 25 (6.9%) | 36 (10.0%) | 361 |
| Court Appointed Special Advocates | 76 (20.9%) | 103 (28.4%) | 121 (33.3%) | 52 (14.3%) | 51 (14.0%) | 363 |
| Education Programs for Adults | 178 (49.3%) | 137 (38.0%) | 156 (43.2%) | 10 (2.8%) | 28 (7.8%) | 361 |
| Programs for Children | 194 (53.4%) | 158 (43.5%) | 112 (30.9%) | 54 (14.9%) | 36 (9.9%) | 363 |
| Legal Aid | 45 (12.4%) | 165 (45.5%) | 158 (43.5%) | 12 (3.3%) | 20 (5.5%) | 363 |

III. Access to Sliding Fees

Many of the participants were unaware whether services in their area were available on a sliding fee scale basis (see Table 15). Services with the highest percentage of private-for-profit access, were also the services least likely to have sliding fee scales, thus increasing the difficulty for

Access to Justice in Family Law Matters

families to access these services if they cannot afford them. For example, only 11.9% of respondents indicated that parenting coordination services were offered by public institutions in their jurisdictions, and only 17% of parenting coordination services offered a sliding fee scale (see Table 15)

Table: 15: Sliding Fee Scale Availability

| Services | Yes | No | Not Applicable | Don't Know | Total Responses |
|-----------------------------------|-------------|-------------|----------------|-------------|-----------------|
| Mediation | 208 (57.9%) | 53 (14.8%) | 16 (4.5%) | 82 (22.8%) | 359 |
| Custody Evaluation | 90 (25.2%) | 131 (36.7%) | 17 (4.8%) | 119 (33.3%) | 357 |
| Supervised Visitation/Exchange | 127 (35.5%) | 84 (23.5%) | 24 (6.7%) | 123 (34.4%) | 358 |
| Parenting Coordination | 61 (17.0%) | 142 (39.7%) | 34 (9.5%) | 121 (33.8%) | 358 |
| Guardianship Investigation | 35 (9.9%) | 60 (16.9%) | 32 (9.0%) | 227 (64.1%) | 354 |
| Conservatorship Investigation | 15 (4.2%) | 38 (10.6%) | 28 (7.8%) | 277 (77.4%) | 358 |
| Substance Abuse Evaluations | 118 (32.8%) | 81 (22.5%) | 10 (2.8%) | 151 (41.9%) | 360 |
| Mental Health Evaluations | 106 (29.8%) | 103 (28.9%) | 10 (2.8%) | 137 (38.5%) | 356 |
| Guardian ad litem Services | 84 (23.5%) | 80 (22.3%) | 40 (11.2%) | 154 (43.0%) | 358 |
| Court Appointed Special Advocates | 56 (15.5%) | 48 (13.3%) | 99 (27.3%) | 159 (43.9%) | 362 |
| Education Programs for Adults | 129 (35.7%) | 73 (20.2%) | 28 (7.8%) | 131 (36.3%) | 361 |
| Programs for Children | 130 (36.5%) | 54 (15.2%) | 29 (8.1%) | 143 (40.2%) | 356 |
| Legal Aid | 203 (56.7%) | 34 (9.5%) | 33 (9.2%) | 88 (24.6%) | 358 |

IX. Changes to Access to Justice

Participants suggest that, despite their belief that there has been an increase in the availability of family law related services for families and public access to the courts (44% improved in the past 7 years), they perceive less trust and confidence in the courts (43%). Respondents also indicated that they perceive a growing burden on staff to respond to the growing need of families, including increased staff workload (46%) and a worsening staff morale (37%) (see Table 16).

Access to Justice in Family Law Matters

Table 16: Changes to Access to Justice in the Past 7 Years

| Access to Justice | Improved | No Change | Worsened | Don't Know | Total Responses |
|---|----------------|----------------|----------------|----------------|-----------------|
| Public Trust and Confidence in the Courts | 50 (13.9%) | 99 (27.4%) | 154 (42.7%) | 58 (16.1%) | 361 |
| Public Access to the Courts | 159 (43.8%) | 85 (23.4%) | 83 (22.9%) | 36 (9.9%) | 363 |
| Timeliness of your Program Services | 153 (42.4%) | 88 (24.4%) | 79 (21.9%) | 41 (11.4%) | 361 |
| Scope of your Program Services | 202 (56.4%) | 81 (22.6%) | 43 (12.0%) | 32 (8.9%) | 358 |
| Efficiency of your Program Services | 184 (51.1%) | 83 (23.1%) | 46 (12.8%) | 47 (13.1%) | 360 |
| Coordination of your Services with Community Partners | 173 (48.1%) | 106 (29.4%) | 27 (7.5%) | 54 (15.0%) | 360 |
| Customer Satisfaction with your Program | 105 (29.2%) | 105 (29.2%) | 43 (11.9%) | 107 (29.7%) | 360 |
| Staff Workload | 62 (17.2%) | 79 (21.9%) | 164 (45.6%) | 55 (15.3%) | 360 |
| Staff Morale | 59 (16.5%) | 101 (28.2%) | 133 (37.2%) | 65 (18.2%) | 358 |
| Staff Compensation and Benefits | 56 (15.7%) | 127 (35.6%) | 91 (25.5%) | 83 (23.2%) | 357 |
| Use of Technology to Support your Services | 225 (62.5%) | 75 (20.8%) | 16 (4.4%) | 44 (12.2%) | 360 |
| Resources Available to Support your Program | 108 (30.1%) | 101 (28.1%) | 88 (24.5%) | 62 (17.3%) | 359 |

X. Innovations or Improvements in Response to Challenges

In an attempt to improve services, participants offered a variety of examples across jurisdictions that have been developed to respond to the growing challenges in the family court system (see Table 17). Participants noted that in many of their jurisdictions, there has been increased focus on redesigning direct services for greater efficiency (e.g., mediation, custody evaluation, etc.), (68%), case management initiatives (53%) and building partnerships with other community services (53%). But given the comments above about increased workloads and worsening staff morale (see Table 16), it may be too early to assess whether these new initiatives are having the desired impact for both families and the court system or whether these initiatives are simply not working as planned.

Access to Justice in Family Law Matters

Table 17: Ways in which Services Have Responded to Program Challenges

| Response | Chart | Percentage | Count |
|--|---|------------|------------|
| Redesigning direct services for greater efficiency (e.g., mediation, custody evaluation, etc.) |  | 68.2% | 219 |
| Case management initiatives |  | 53.3% | 171 |
| Building partnerships with other community services |  | 53.3% | 171 |
| Reducing the scope of service in your program |  | 17.8% | 57 |
| Downsizing |  | 19.3% | 62 |
| Outsourcing |  | 17.1% | 55 |
| Grant writing and fund-raising |  | 20.6% | 66 |
| Other, please specify |  | 7.5% | 24 |
| Total Responses | | | 321 |

XI. Improving Access to Justice

Several suggestions have been made to improve Access to Justice for children and families involved in family disputes. One of the most prominent areas of improvement was related to better access to the courts, especially for self-represented litigants and marginalized communities. One participant stated that “Courts need to be re-tooled to serve pro se litigants rather than attorneys in family law matters. The number of pro se litigants is skyrocketing yet case schedules, hearing processes and procedures - really the entire system - is designed to be navigated by an educated, highly-trained, native English-speaking lawyer.”

There was also the suggestion that “Courts also need increased funding rather than budgets that continue to be cut” so that proportionate and differential services could be offered to parties. As one participant stated: “I believe that every courthouse should have a kiosk in its entry that would serve as a screening/intake unit. They would speak to the party seeking to file court papers and determine if that is the best action or if they need referrals to other services such as housing, employment assistance, etc.”

Another key area for improving Access to Justice focused on increasing opportunities for dispute resolution initiatives to “make family law fit the circumstances, not force families into a win/lose battle.” There seemed to be a common theme of moving “family matters out of the litigation model and use alternative dispute resolution interventions with child focused education / negotiations.”

Access to Justice in Family Law Matters

Calls were also made for an increased emphasis regarding services that address the wellbeing of children involved in family law matters. As noted by one participant, Access to Justice in family law matters should “make the safety of children the primary goal of all child custody disputes...train judicial officers to focus on the safety needs of children and adult victims of family violence...”

Key Messages

- Although there is much agreement among professionals in defining Access to Justice and prioritizing changes to the system, there are some important differences about the values and weight given to the various approaches.
- Awareness, understanding, and respect for the various perspectives about how best to meet the needs of families are important steps towards meaningful interdisciplinary dialogue.
- With effective interdisciplinary dialogue, these various perspectives may work in concert rather than compete for the limited resources available to assist families involved in family law matters.

Appendix A

Top Considerations for the Views and Beliefs about Access to Justice of Legal and Non-Legal Family Law Professionals

Source: Saini, M. (2016). Top Considerations for the Views and Beliefs about Access to Justice of Legal and Non-Legal Family Law Professionals. *AFCC eNEWS*, 11(4) available online at https://afcc.networkats.com/uploads/ES/2016/2016%2004%20Apr/2016_04_Apr_Access_to_Justice_Survey_Saini.pdf

Within the last decade, the term “Access to Justice” has grown in popularity among legal commentators, scholars, family justice reformers, government policymakers, and the media. But with all of this new attention, there remains no common understanding or definition of access to justice and its potential implications for children and families in domestic relation courts. To address this gap, a survey was developed in collaboration with AFCC and Professor Michael Saini, of the Factor-Inwentash Faculty of Social Work, University of Toronto. The purpose of this cross-sectional online survey was to explore the meaning of access to justice according to legal, mental health and dispute resolution professionals in various countries.

The sample included 442 respondents (e.g., judges, lawyers, custody evaluators, mediators, family court services, court administrators, parent educators, etc.) from seven countries. Of the total respondents, 398 participants completed the survey (response rate of ninety percent). The majority of participants defined access to justice as the ability of disputants to seek and obtain a remedy through formal (e.g., the courts) or informal (e.g., mediation) institutions and services for resolving disputes. Noteworthy differences were reported, however, between the views of legal and mental health professionals, where the latter most likely viewed access to justice as a legal issue, while the former focused on alternative approaches outside of the legal system to resolve family disputes.

The survey results will be discussed further in the forthcoming article, “A Survey of Beliefs and Priorities about Access to Justice of Family Law: The Search for a Multidisciplinary Perspective” by Peter Salem and Michael Saini, which can be read (open access) in the [Cardozo Journal of Conflict Resolution, Volume 17, Number 3](#). The following ten considerations have been adapted from the article.

1. There is widespread agreement on the need to create greater and more effective access to the family court system, but a lack of consensus about the potential solutions with many unanswered questions. Barriers to justice have resulted in the widespread perception that interaction with family courts is largely a frustrating, time-consuming, and expensive experience. Significant delays and backlogs within the family court system inhibit a litigant’s ability to access services in a timely and cost-efficient manner, and this situation may be exacerbated for those without legal representation. Indeed, family court professionals who responded to this survey indicated that even though they perceived improved access to the court in recent years, they believed that public trust and confidence in the courts have worsened during the same time.

Access to Justice in Family Law Matters

2. Access to justice has historically been viewed as a legal issue. The concept of access to justice emerged in the late 1970s and initially focused on legal aid funding issues. There has been increased attention to non-legal approaches (e.g., courtside services, parent education, mediation, parenting coordination) in the past decade, but there remains a lack of consensus among legal and non-legal stakeholders about the reasons for the current barriers to access, and how best to approach unmet needs of litigants in the courts.
3. Access to justice has become a blanket term used to describe a wide range of approaches that are generally aimed at legal reform. The ambiguity surrounding the term access to justice creates challenges in developing workable solutions to meet the needs of litigants. Mixed perceptions remain about the responsibility of various stakeholders in administering access to justice; whether access to justice equals access to a lawyer, whether the concept is limited to fair legal processes; and what role, if any, non-legal professionals should play. Furthermore, even if it were possible to provide legal representation to everyone, it is not clear that a more effective system would result.
4. Based on survey results, there seems to be more consensus than disagreement about the current definition of access to justice in family law. Access to justice was defined broadly as: “[t]he ability of disputants to seek and obtain a remedy through formal (e.g., the courts) or informal (e.g., mediation) institutions and services for resolving disputes.” 87.6% of respondents indicated agreement with the proposed definition.
5. The most common alternate definition emphasized the differences between access and justice; courts and services; legal and non-legal approaches. 12.4% did not agree with the proposed definition and they provided several alternative definitions.
6. There was overwhelming support that collaboration among legal and non-legal professionals is needed to achieve access to justice. Awareness, understanding, and respect for the various perspectives about how best to meet the needs of families are important steps towards meaningful interdisciplinary dialogue. With effective interdisciplinary dialogue, these various perspectives may work in concert rather than compete for the limited resources available to assist families involved in family law matters.
7. There is overwhelming support for providing families with information, education and outside services prior to appearing in the courts. But not all professionals agree on how best to provide these services and they are even less in agreement when cases include violence, conflict and complex factors.
8. While the majority of respondents favored screening cases for conflict, domestic violence, and complexity, they differed about what to do with these cases once screened. For example, lawyers and judges were less likely to agree that only high conflict and/or complex cases should be fast tracked to court, with others being resolved outside of court.
9. There is a lack of consensus about how best to include the views of children within an access to justice framework. Although there is a growing emphasis on including the views and preferences of children within child custody disputes, respondents had mixed opinions about

Access to Justice in Family Law Matters

whether all children should be offered opportunities to have their views included within the dispute or whether child legal representation and judicial interviewing should be offered on a limited basis for specific children based on their unique circumstances.

10. The importance of reducing family conflict is a key priority among respondents. All professionals ranked reducing family conflict as the top priority for access to justice initiatives. But professional differences were noted in the ranking of priorities: Legal professionals' highest priorities were associated with increasing the efficiency of the legal system; mental health and dispute resolution professionals' highest priorities were associated with increasing family wellbeing and improving child adjustment; judges and administrators' highest priorities were associated with increasing services for self-represented litigants.



AFCC Access to Justice Survey

Do you agree to participate in this Access to Justice survey?

- Yes
- No

Please tell us about your experience in the family court services

1. What is your primary area of professional practice?

- Attorney
- Academic
- Court Administrator
- Judge
- Referee / Court Commissioner / Magistrate
- Private practice mediator
- Court-employed mediator
- Private practice custody evaluator
- Court-employed custody evaluator
- Parent Educator
- Program Manager / Supervisor
- Advocate
- Researcher
- Other. Please specify _____

2. What percentage of your activities are specific to family law matters?

- 0 to 19%
- 20 to 39%
- 40 to 59%
- 60 to 79%
- 80 to 100%

3. Where is your program/practice located?

- Large Urban (200,000 and over)
- Mid-sized Urban (50,000-199,999)
- Small Urban (under 59,999)
- Rural
- Other, please specify _____

Access to Justice in Family Law Matters

4. Location of work

- Canada, specify province _____
- United States, specify state _____
- Other, please specify country and prov/state _____

5. Gender

- Male
- Female

6. Age

- Under 20
- 20-29
- 30-39
- 40-49
- 50-59
- 60+

7. What is your current position classified as?

- Private for-profit
- Private not for-profit
- Public / court connected
- Other, Please Specify _____

8. What is your total number of years of experience in family justice services?

- Less than 1 year
- 1-2 years
- 3-5 years
- 6-10 years
- 11-15 years
- 16-20 years
- 20 + years

9. How long have you been a member of AFCC (Note: you do not need to be an AFCC member to complete the survey)?

- Not a member of AFCC
- Less than 1 year
- 1-2 years
- 3-5 years
- 6-10 years
- 11-15 years
- 16-20 years
- 20 + years

Access to Justice in Family Law Matters

Access to Justice

10. For this study we have defined Access to Justice as the ability of disputants to seek and obtain a remedy through formal or informal institutions of justice for resolving disputes. Do you think this definition accurately describes Access to Justice?

- Yes
 No

10A. If no, please provide suggestions to improve the above definition of Access to Justice.

11. Below are several possible goals that have been identified as important for achieving Access to Justice. Please indicate which formal and informal justice professional should be responsible in supporting these goals for Access to Justice (Check all that apply).

| | Court Administrators | Judges | Attorneys | Mental Health Professionals | Not Applicable |
|--|--------------------------|--------------------------|--------------------------|-----------------------------|--------------------------|
| Affordable services for families | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Reducing court cost | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Parties moving through the court process efficiently | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Better understanding of the legal process by self-represented litigants | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Timely access to alternative dispute resolution for litigants | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Reducing litigation rates | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Better collaboration among service providers (judicial, court agencies, legal and mental health professionals) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Equal access to justice for all parties who seek the assistance of the courts | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Improving children's adjustment post separation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Access to Justice in Family Law Matters

| | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Reducing family conflict | <input type="checkbox"/> |
| Access to services for marginalized populations | <input type="checkbox"/> |
| Increasing use of mediation and other DR processes over litigation | <input type="checkbox"/> |
| Screening for violence and abuse | <input type="checkbox"/> |
| Easier access to court/judicial hearings | <input type="checkbox"/> |
| Easily accessible information about all aspects of separation and divorce, i.e., children's wellbeing, court process, child support guidelines, etc. | <input type="checkbox"/> |
| Enhanced opportunity to be heard by a decision maker (judge) | <input type="checkbox"/> |

12. Please indicate your agreement to the following statements

| | Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Parent Education should be mandatory for all parents prior to court involvement. | <input type="radio"/> |
| Mediation should be mandatory for all parties prior to court involvement. | <input type="radio"/> |
| Parties should be screened for conflict and referred to services that best meets their needs. | <input type="radio"/> |
| All cases should be screened for violence. | <input type="radio"/> |
| Contested cases should be fast tracked to court services. | <input type="radio"/> |
| Additional services outside of the court (information, education, support) should be offered to families prior to their involvement with the courts. | <input type="radio"/> |
| All children involved with the courts should be offered legal representation. | <input type="radio"/> |

Access to Justice in Family Law Matters

- Unbundling services should be offered to all clients.
- Children should not receive therapy until the court case has been resolved
- Mediation should not be offered to families when one party reports domestic violence.
- Only the most complex cases should be sent to court to resolve. All other cases should be resolved outside of the court system.

13. In the last 7 years, which of the following client populations have changed their use of your program / practice / court-based services?

| | Increased | Remain the Same | Decreased |
|---|-----------------------|-----------------------|-----------------------|
| Self-represented litigants | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Never-married parents | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| LGBTQ parents (e.g. same-sex parents) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Repeat litigants | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Parties with matters in more than one court | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Third party caretakers | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Military families | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

13A. Please indicate any other changes to the client populations in the 7 past years.

14. What challenges do you believe clients face in accessing court-based services in your area (Check all that apply)?

- Transportation to services
- Language barriers - functional literacy
- Language barriers - non-native / second language abilities
- Lack of cultural diversity of services
- Physical barriers to access services
- Lack of alternatives (other than litigation) for resolving family disputes
- Fear of violence of the other parent
- Fear of bias by agency or court officials
- Cost of services
- Insufficient information about the court process
- Other, please specify _____

Access to Justice in Family Law Matters

Access to Justice services currently available in your area.

Note: 'Your area' is defined as your local jurisdiction where you work (e.g. county, court district). If you were work in multiple areas, please choose the area in which you work the majority of your time.

15. General Services for Court Users

| | Available in our area | Not available but needed | Have no need | Don't Know |
|----------------------------------|-----------------------|--------------------------|-----------------------|-----------------------|
| Law Library | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Child Care Center for Litigants | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Convenient Public Parking | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Convenient Public Transportation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Signage | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

15A. General Services for Court Users - Others in your area (please describe)

15B. General Services for Court Users - Additional services you wish you had in your area (please describe)

16. Services for Court Users with Limited or No English Skills (Check all that apply)

| | Available in our area | Not available but needed | Have no need in our area | Don't Know |
|--|-----------------------|--------------------------|--------------------------|-----------------------|
| Staff who can speak and read other languages | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Court forms in other languages | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Informational materials in other languages | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

16A. Services for Court Users with Limited or No English Skills - Others in your area (please describe)

Access to Justice in Family Law Matters

16B. Services for Court Users with Limited or No English Skills - Additional services you wish you had in your area (please describe)

| |
|--|
| |
| |

17. Victim Services

| | Available in our area | Not available but needed | Have no need in our area | Don't Know |
|---------------------------------------|-----------------------|--------------------------|--------------------------|-----------------------|
| Domestic violence screening tools | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Restraining order clinics | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Trauma-informed practice for children | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Specialized DR for cases of violence | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Domestic violence courts | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Victim support services | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

17A. Victim Services - Others in your area (please describe)

| |
|--|
| |
| |

17B. Victim Services - Additional services you wish you had in your area (please describe)

| |
|--|
| |
| |

18. Court Business Practices

| | Available in our area | Not available but needed | Have no need in our area | Don't Know |
|---|-----------------------|--------------------------|--------------------------|-----------------------|
| Judicial case management | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Specified timeframes for court procedures | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| De-activation procedures for inactive cases | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| One case, one judge | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

18A. Court Business Practices - Others in your area (please describe)

| |
|--|
| |
| |

Access to Justice in Family Law Matters

18B. Court Business Practices - Additional services you wish you had in your area (please describe)

19. Self-Represented Litigant Services

| | Available in our area | Not available but needed | Have no need in our area | Don't Know |
|---|--------------------------|-----------------------------|--------------------------------|-----------------------|
| Pro Se Family Law Coordinator | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Customer Services Center to Refer Court Users to Appropriate Services | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Self-Help Written Materials About Court Forms and Procedures | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Self-Help Audio/Video Materials About Court Forms and Procedures | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Law school clinics | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Pro-bono services | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

19A. Self-Represented Litigant Services - Others in your area (please describe)

19B. Self-Represented Litigant Services Additional services you wish you had in your area (please describe)

20. Alternative Dispute Resolution

| | Available in our area | Not available but needed | Have no need in our area | Don't Know |
|--|--------------------------|-----------------------------|-----------------------------|-----------------------|
| Court-Connected Mediation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Private Mediation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Collaborative Law | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Parenting Coordination | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Parent Information / Education Programs | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Early Neutral Evaluation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Judicial Settlement | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Access to Justice in Family Law Matters

20A. Alternative Dispute Resolution - Others in your area (please describe)

20B. Alternative Dispute Resolution Additional services you wish you had in your area (please describe)

21. Technology

| | Available in our area | Not available but needed | Have no need in our area | Don't Know |
|---|--------------------------|-----------------------------|--------------------------------|-----------------------|
| Wireless access in the courthouse | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Court forms that can be completed on the Internet (e.g. e-forms) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Family law Information website | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Teleconferencing | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Videoconferencing | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Enhanced access for persons with disability (e.g. voice activated software) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Public access to a computer in the courthouse | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

21A. Technology - Others in your area (please describe)

21B. Technology - Additional services you wish you had in your area (please describe)

22. Do families in your area have access to the following services

| | Yes, private for-profit | Yes, private not for- profit | Yes, public / court connected | No | Don't Know |
|----------------------------------|----------------------------|---------------------------------|----------------------------------|-----------------------|-----------------------|
| Mediation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Custody Evaluation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Supervised visitation / exchange | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Access to Justice in Family Law Matters

| | | | | | |
|-----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Parenting coordination | <input type="radio"/> |
| Guardianship investigation | <input type="radio"/> |
| Conservatorship investigation | <input type="radio"/> |
| Substance abuse evaluations | <input type="radio"/> |
| Mental health evaluations | <input type="radio"/> |
| Guardian ad litem services | <input type="radio"/> |
| Court appointed special advocates | <input type="radio"/> |
| Education programs for adults | <input type="radio"/> |
| Programs for children | <input type="radio"/> |

22A. Does your jurisdiction have any special programs, not listed above, that you believe contribute to Access to Justice? If so, please describe.

23. For each of the service delivery influences identified below, please check the answer that best describes changes in your area in the past 7 years:

| | Improved | No Change | Worsened | Don't Know |
|---|-----------------------|-----------------------|-----------------------|-----------------------|
| Public trust and confidence in the courts | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Public access to the courts | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Timeliness of your program services | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Scope of your program services | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Efficiency of your program services | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Coordination of your services with community partners | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Customer satisfaction with your program | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Staff workload | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Staff morale | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Staff compensation and benefits | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Use of technology to support your services | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Resources available to support your program | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Access to Justice in Family Law Matters

Looking ahead

24. What are some of the ways in which services in your area have responded to program challenges?

- Redesigning direct services for greater efficiency (e.g., mediation, custody evaluation, etc.)
- Case management initiatives
- Building partnerships with other community services
- Reducing the scope of service in your program
- Downsizing
- Outsourcing
- Grant writing and fund-raising
- Other, please specify _____

25A. Please describe innovations or improvements in response to these challenges:

25B. If you had additional resources, where would you place them first?

26. Please describe any other ideas to improve Access to Justice.

27. How can AFCC assist in addressing Access to Justice issues?

28. Please provide any additional feedback about the survey and/or points not covered in the survey that you think would be important for us to consider.

Thank you for volunteering to fill out this confidential survey.