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FACT SHEET

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Elkins Family Law Implementation Task Force

In July 2010, the Elkins Family Law Implementation Task Force, chaired by Associate Justice Laurie D. Zelon of the Court of Appeal, Second Appellate District (Los Angeles), was appointed to help implement recommendations from the Elkins Family Law Task Force accepted by the Council on April 23, 2010. Those recommendations reflected a comprehensive review of family law proceedings and included changes designed to increase access to justice, ensure due process, and provide for more effective and consistent rules, policies, and procedures in these cases. The report may be viewed on the California Courts website at <http://www.courts.ca.gov/elkins.htm>.

Committed to Equal Justice and a Collaborative Process

Family law cases are critically important to litigants, children, and families, as well as the community at large. The increasing demands on courts dealing with family law cases include complex legal issues, a high volume of cases, and staggering numbers of self-represented litigants. In many communities, more than 75 percent of family law cases involve at least one self-represented party. The Elkins Family Law Task Force defined values that guided its work and informed its final recommendations and continues to inform the implementation of those recommendations:

- Ensuring justice, fairness, and due process in family law;
- Ensuring meaningful access for all litigants;
- Using innovative techniques to promote effectiveness and efficiency;
- Improving the status of, and respect for, family law litigants and the family law process; and
- Securing adequate resources, including existing, reallocated, and new resources.

The task force sought input from all stakeholders, including litigants, attorneys, judicial officers, and court staff, throughout the process.

Since the final recommendations were accepted by the Judicial Council at its April 2010 meeting, the economic crisis in the state has increased the number of challenges facing California's courts. As a result, some of the recommended reforms have been

put on hold, pending the availability of resources; others may take more time to implement than initially envisioned. In many instances, however, the current fiscal reality has provided greater impetus for courts and the task force to consider more effective and efficient ways to provide access to family court litigants.

The California Legislature responded quickly to issues the task force was focusing on, enacting Assembly Bill 939 (Stats. 2010, ch. 352 and Assembly Bill 1050 (Stats. 2010, ch. 187) making significant changes in case management, domestic violence procedures, children's participation, attorney fees, live testimony, summary dissolution, and coordination with child welfare. These legislative changes provided guidance to the courts in these areas and required various changes in statewide rules and forms that the Judicial Council has acted on during 2011 and 2012.

Here are some of the other ways more than half the Elkins Family Law Task Force recommendations have already been or are being implemented across the state:

Policies, Procedures, and Rules

- New rules of court enabling courts to develop approaches to court case management in family law (known as "Family Centered Case Resolution")
- Development of live-testimony rule, effective July 1, 2011
- New rule, effective January 1, 2012, providing guidance for courts on implementing approaches to children's testimony and participation
- Changes in domestic violence procedures, rules, and forms, including providing for stipulated judgments of parentage, the ability to include ongoing orders for child custody and support, and guidelines for providing non-child-custody settlement services
- Minor's counsel changes, including more clearly identifying the attorney's role in child custody proceedings
- Rule and forms changes simplifying the summary dissolution process
- An increased number of informational forms available to family law litigants on child custody mediation/recommending counseling and family law processes and procedures
- Rule and forms changes addressing attorney fees and costs
- Revision of all statewide family law rules of court
- A streamlined process for Family Code section 2336 uncontested dissolutions and revised related forms
- *Request for Order* replacing *Order to Show Cause*, *Notice of Motion*, and related information sheet

Education, Training, and Public Information

- Training on AB 939 for judges, family court services staff, court clerks, and self-help providers; training support for private attorneys
- California Conference on Self-Represented Litigants, which provided opportunities for judicial officers, attorneys, and court staff to learn about promising practices

- Family Law Conference, hosted by the Administrative Office of the Courts and the Legal Aid Association of California
- The Judicial Council's Beyond the Bench Conference, which provided family law workshops on various topics reflecting recommendations for attendees from around the state
- Family Law Education Week and Family Law Summit, which brought court leaders together to share ideas on case management, children's participation, representation, and other family law subjects
- Regional trainings for Family Court Services staff, which focused on handling domestic violence matters effectively, including children in the process, and understanding changes in requirements for providing recommendations to the court
- Multiple training sessions to local bar associations
- Technical assistance to courts on case management
- Video classes for presiding judges on the considerations for assigning judges to family law and on new family law legislation, rules, and forms
- A video course for clerks on new family law legislation, rules, and forms
- Presentations at judicial officer training on taking children's testimony
- A new class on attorney fees and spousal support for judicial officers
- Updates to self-help website with extensive information on family law and translation into Spanish; total site now more than 4,000 pages
- Translation of all key family law forms into Spanish
- Terminology change on self-help website, in new rules, and on many forms from "visitation" to "parenting time"

Research and Data Collection

- Judicial workload study for family law, accepted by the Judicial Council in December 2011
- Research for staff workload study for family law
- Development of an initial set of dashboard measurements for family law administration
- Development of a tool to help courts assess the need for additional judicial resources in family law for their court using an Excel spreadsheet

The task force continues to focus its efforts on assisting with implementation of these and other recommendations and partners with judges, court staff, attorneys, and others on supporting the work of family courts throughout California.

The Elkins Family Law Implementation Task Force welcomes comments and suggestions from interested stakeholders. Please contact the task force by e-mail at elkinstaskforce@jud.ca.gov.