

# FAMILY COURT DIVISION

## 2010 ACTIVITY REPORT

The Family Court Division (FCD) continues to strive to meet the mandates of the Family Court Act of 1995 by allowing clients easy access to court services. This process requires the staff to be proactive assisting clients prepare and file complaints and pleadings so that they can appear before a Judge in a timely manner. In this reporting period, a great deal of staff time was devoted to meeting this mandate.

For its commitment, the Family Court Division of the CNMI Judiciary was recognized as one of the United States Western Region's "best practice" evidence based programs by the Bureau of Justice Assistant (BJA) and National Criminal Justice Association (NCJA). With this recognition, Judge Govendo and FCD Manager Patrick Diaz showcased the program by presenting during the Western Regional Workshop on Evidence Based Policy and Practice held in Phoenix, Arizona on April 8, 2010. Subsequently, on August 2, 2010, the National Criminal Justice Association through its Board of Directors formally honored and presented the 2010 Outstanding Criminal Justice Program Award to the CNMI Judiciary's Family Court Division during the National Forum on Criminal Justice and Public Safety held in Fort Myers, Florida (See attachments).

The NCJA Outstanding Criminal Justice Program Awards are presented annually recognizing successful criminal justice programs in the nation. The FCD was chosen based on its Pro Se Center which assists with filing legal forms for indigent litigants, the Separating Parents Program that teaches parents about the effects of separation on children and the Judges' Training Program that provides judges with legal education in family issues.

In this reporting period, the FCD staff volunteered many hours assisting with various activities in the community. Along with its partner agencies, the FCD was involved in numerous prevention and awareness campaigns including the following: Domestic Violence Awareness Month, the Men's Against Violence Walk, Candle Light Vigil, presentation at the Northern Marianas College, and several appearances on the John Oliver Gonzales Show.

FCD along with the Family Violence Task Force sponsored and spearheaded a Domestic and Family Violence Prevention Act Forum held on October 28, 2010 at the Pacific Island Club. The goal of the Forum was to provide a venue for the stakeholders to convene and collectively review Public Law 12-19 known as the "Domestic and Family Violence Prevention Act of 2000" as it pertains to specific departmental roles and responsibilities. The agencies that participated in the forum include the following: Public School System, Department of Public Safety, Office of the Attorney General-Criminal Division, Department of Public Health, Domestic Violence Intervention Center, Division of Youth Services, and Criminal Justice Planning Agency. A total of 40 individuals representing their respective agencies participated in the forum. The forum received high marks on an evaluation system submitted by the participants. Funding for this forum was made possible from a discretionary grant under the STOP Violence Against Women Act awarded through the Criminal Justice Planning Agency. This forum received very high remarks by the participants.

Also in this reporting period, we lost the FCD Coordinator position when Heather Barcinas resigned. Her departure left a void in the daily operation of the office leaving additional tasks for the remaining staff of two to handle. Due to budgetary constraints and an administrative decision, the position vacated by Ms. Barcinas was not and could not be filled, adversely impacting the FCD in many ways.

**PRO SE SERVICES.** This User-friendly service for self-represented or pro se litigants

continued to be an ongoing focus of the Family Court Division. The demand for these services continued to increase throughout this reporting period as compared to the preceding years. The estimated number of individuals visiting the FCD, asking for assistance increased to an average of 200 individuals each month. Despite the increase, the staff continues to be pro-active in assisting clients one-on-one. Services provided included: the provision of information about filing procedures, preparation of appropriate court forms and filing fees, review of petition(s), complaint(s), or other pleadings prior to filing to ensure compliance with format requirements, and the search for case information, such as hearing dates and case status. In addition, the staff was tasked to distribute court orders and contact court litigants reminding them of hearing dates, deadline to submit certain documents and pleadings.

**FAMILY COURT REFERRAL SERVICES.** One of the primary tasks of the FCD is to assist clients with their referral orders as entered by the Judge. In many cases, when the Judge enters an order referring the parties to seek social services, they have to report to the FCD for processing. Once a referral has been made, the social service agency will provide the FCD with a short report on the status of clients stating whether or not they are in compliance with the court order. This report is then filed and forwarded to the Family Court Judge. During calendar year 2010, thirty five (35) referrals were made to the Community Guidance Center for assessment. The majority of the cases referred were family protection cases. In addition, six home study cases were processed by the FCD Staff.

**DNA PATERNITY SUPERVISION.** The Family Court Division continued to coordinate and oversee genetic testing between on/off-island medical facilities, the parties, and their respective attorneys of record, if any. The Division coordinated sample collections, notice requirements, reporting of test results, and cost recovery with all appropriate parties. The cost recovery for the DNA tests is governed by 8 CMC §1715. Supervision of these essential tests leads to the speedy resolution of contested paternity cases. During this calendar year, approximately eight (8) cases were processed.

**SEPARATING PARENTING PROGRAM.** With the increase of high conflict cases involving separating parents the FCD, through the Office of the Presiding Judge, procured an additional 1 year contract with Linda O. Graf, a certified family therapist with extensive background in counseling and mediation. The contract with Ms. Graf enabled the completion of a court connected educational curriculum to teach parents about the underlying negative effects on children when parents separate.

In this reporting period, a total of seven (7) sessions were conducted with a total of 91 participants. Associate Judge Kenneth L. Govendo ordered participants to attend the educational class "For the Sake of the Children, A Sensible Approach to Separation" led by Linda Graf. During the class, parents learned about the emotional, economic and educational problems their child may experience as a result of the divorce/separation of their parents and how prolonged conflict can exacerbate problems. The class encourages parents to assume responsibility for creating a post-divorce/separation environment in which their children are their first priority. As such, the class motto is, "Kids First!" At the close of each class, parents have the opportunity to ask questions and are requested to fill out an evaluation form. As shown in the attached summary of the evaluation form, parents who participated in the class felt that it would have a positive impact on their relationship with their children. An evaluation was usually conducted after every session. The following is a compilation of the responses based on 87 submissions.

**1. On a scale of one to ten, with ten being the most positive, please rate the quality of this session:** (please circle)      **1 2 3 4 5 6 7 8 9 10**

*87 participants responded to this question:*      2 2 2 5 9 67

**2. On a scale of one to ten, with ten being the most positive, is this session helpful to you:** (please circle)      **1 2 3 4 5 6 7 8 9 10**

*87 participants responded to this question:*      2 1 1 8 8 67

**3. On a scale of one to ten, with ten being the most positive, is this session well organized:** (please circle)      **1 2 3 4 5 6 7 8 9 10**

87 participants responded to this question:    2 1 4 4 6 70

**JUVENILE COURT TECHNICAL ASISTANCE.** In this reporting period, the Family Court Division was granted continuing funding from the Office of Juvenile Justice and Delinquency Prevention Program through the Criminal Justice Planning Agency to support and provide the following: (1) technical assistance and training for juvenile judges and for family court division staff, and (2) enhanced case management system capacity to integrate with the Juvenile Justice Information System. In this reporting period, this project allowed Presiding Judge Robert C. Naraja and Family Court Manager Patrick Diaz to attend the 2010 National Conference on Juvenile and Family Law held in Las Vegas, Nevada.

**FAMILY VIOLENCE TASK FORCE (FVTF).** The Family Court Division is a member of the Family Violence Task Force. Created in 1995, the (FVTF) is a network of government and non government agencies that assists victims of domestic violence and sexual assault crimes. Member agencies include: Department of Public Health, Department of Public Safety, Criminal Justice Planning Agency, Office of Adult Probation, Community Guidance Center, Office of the Attorney General, Karidat Social Services, Women’s Affairs Office, Division of Youth Services, Multi-Disciplinary Response Team, and Ayuda Network, Inc. Members from each agency meet on a monthly basis to discuss activities and specific problem areas and successes of family violence services. The FCD Staff continued to be a very active member of this organization. They attended all the monthly meetings called by the FVTF.

### **FEDERAL GRANTS**

The Family Court Division is a recipient of several federal grants through the Criminal

Justice Planning Agency. Over the years, the FCD was actively involved in preparing grant proposal and submitted them to the CNMI State Advisory Group and the Supervisory Council/Criminal Justice Planning Agency. The following 2010 project are supported in full by these grants. In October 2010, the Family Court Division applied and received continued funding for two projects listed below: STOP VAWA and Juvenile Pretrial Technical Assistance.

**FCD Client Services (\$15,000.00)**The goal of the FCD Client Services program is to assist families in crisis by improving current services, offering additional services, training Judges and staff, and creating an accessible and comprehensive Pro Se Center.

**Family Court Training and Support Program STOP VAWA (\$28,149.00)** funding under project is used to pay for a fulltime salary for a Project Coordinator and for Travel and training for staff and a Judge handling the family protection docket.

**Juvenile/Pre Trial Technical Assistance (\$9,000.00)** The goal of this program to enhance the Court's capacity in handling juvenile cases by providing opportunities for specialized training to judges and staff.

## **FAMILY COURT STATISTICS**

Family Court cases have a special tracking system that makes them easily identifiable from all other civil and criminal court cases. This section of the report focuses on the compiled data from Family Court cases that were filed with the trial court beginning January 1, 2004 to December 31, 2009. The raw data used to derive the tables and charts in this report is based on a manual inventory of cases conducted by the FCD staff. The data was gathered from the JustWare Case Management System, Office of the Clerk of Court's case registers

and the Superior Court annual reports. The compilation lists the number of cases, the number of which were disposed and the number still pending.

Case inventory is a priority for the Family Court Division. The data compiled by the FCD staff is important in several respects. For one, it highlights the critical areas of family issues that need to be addressed promptly. In addition to providing meaningful information to the public, the statistics serve as a gauge for the Court in its efforts to improve the quality of services.

Finally, the chart and graphs in this report do not depict the many hours spent in the courtroom. Since the appointment of Associate Judge Govendo to the Family Court bench, the actual courtroom activities from initial hearings to the series of review hearings increased dramatically. In many of the cases, Judge Govendo requires constant review hearings, specifically in family protection, paternity and divorce cases. The reason behind the increase in the number of hearings per case are the hearing held for r monitoring purposes. This practice has been effective considering that f the arrearages have been reduced and many custodial parents are receiving their support on time.

**ATTACHMENTS:**



**Family Court Division Manager, Patrick Diaz receiving the award from Ms. Molly J.M. Perry, Vice President, NCJA during the awards banquet. August 3, 2010 Fort, Myers. Florida.**



**Judge Govendo and Linda Graf conducting the Separating Parents Session at the Superior Court Conference Room**