



# The Family Justice Initiative

## Considerations for FJI Performance Measures

The Family Justice Initiative [Principles for Family Justice Reform](#) as well as [A Model Process for the Family Justice Initiative Pathways](#) offer discrete and practical recommendations for state courts to better serve families. The principles are designed to remove unnecessary procedural barriers that prevent parties from resolving cases quickly and cost-effectively; to offer appropriate resources and tools for parties to use to develop solutions that fit their unique circumstances; and to identify and provide appropriate judicial involvement in high-conflict cases with especially vulnerable parties and children. When implementing FJI principles, courts may use these measures to set baseline measurements and to monitor the impacts of FJI processes over time.

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### **Process Evaluation**

A process evaluation documents implementation and fidelity to the planned changes. While there will always be local variation, fidelity to the processes will ensure that differences in outcomes can be attributed to effective implementation of the processes rather than unintentional variations.

### **Outcome Evaluation: Performance Measures**

The purpose of performance measures is to help evaluate the impact of FJI principles and a Pathways approach to managing domestic relations cases. The Pathways assist courts in identifying case characteristics so that courts may chart a course that best meets the needs of the individual family. Part of the analysis is to identify and expedite low-conflict, low-complexity cases so that these cases can follow a faster and simpler path to resolution. Measures must be feasible, sustainable, and provide actionable information for judicial officers and court managers and staff.

### **Timeliness**

- **Time to Disposition:** the percentage of cases disposed or otherwise resolved within established time frames. Calculating this measure requires data on date case was filed and date case was disposed/resolved. The purpose of the measure is to see how quickly cases are moving through the system and if timeliness goals are being met.
- **Age of Active Pending Caseload:** the age of active pending cases is measured as the number of days from filing until the time of measurement. The purpose of the measure is to see if cases are stalled and need intervention to keep them moving through the system. In this context, it could mean that a stalled case was misidentified in terms of conflict and complexity, or that those factors have changed since the case was filed.

## Complexity and Conflict

A front-end assessment of complexity is built in to the triage of the case and identification of initial Pathway. Factors of complexity include property, children and other case characteristics as discussed in [A Model Process for the Family Justice Initiative Pathways](#). A proxy measure for complexity is the number of events (hearings) required to resolve the case between filing and disposition. Another proxy measure might be the number of post-judgment hearings within 6 months of the original entry of judgment. Keep in mind that the number of hearings might also be indicative of multiple, repetitive filings rather than high complexity.

Assessing the need for judicial supervision is also part of a Pathways triage process and includes factors such as extended family involvement, co-occurring cases and other factors set forth in [A Model Process for the Family Justice Initiative Pathways](#). A proxy measure for conflict is the number of events (hearings) required to resolve the case between filing and disposition. Another proxy measure might be the number of post-judgment hearings within 6 months of the original entry of judgment. Because these measures may indicate both/either complexity and conflict, a measurement strategy needs to first assess the frequency of these events, and then investigate the driver of these results by looking at individual case files.

## Procedural Fairness

Procedural fairness measures the extent to which parties in a case believe the court/judge handled their case in a fair and impartial manner. Parties do not necessarily expect to win, but they expect to have their day in court. This is measured by the extent to which the court is seen to demonstrate fairness, respect, equal treatment, and concern. A short survey of 5 questions is sufficient to establish a measure of this outcome. NCSC can provide examples upon request.

## Cost

A cost per case measure can be helpful in garnering support for new processes but requires some sophistication to administer. Expedited processes, or the handling of cases according to the needs of the case should result in the ability to maximize limited resources. Less court hearings translate directly into less court expenditures. However, some courts may want to consider cost per case from a party perspective, which requires calculation of lost wages, childcare costs incurred for attending court hearings, travel costs, etc. Such a calculation may be beyond the scope for many courts.

## Judge and Court Staff Perspectives

The perspectives of judges and court staff who handle these domestic relations cases are important and will provide the context and interpretation of the qualitative and quantitative results of the performance measures and process evaluation outlined above. Examples of online surveys are available upon request.

For more information about FJI implementation, please visit [www.ncsc.org](http://www.ncsc.org).

