

Executive Summary
Colorado Domestic Relations Triage Project
August 2018



The Vision for Domestic Relations Triage

The objective of this project was developing and testing the use of triage tools in the management of domestic relations cases. Colorado identified three court locations to help create and test a triage tool and process. The participating jurisdictions in Douglas, Jefferson, Eagle and Summit Counties referenced triage approaches from across the country to create processes that would work in Colorado. While the planning and testing process was challenging, preliminary data and feedback from the judicial representatives substantiates a basis for continuing and refining a triage process.

Colorado Domestic Relations Landscape

Colorado consists of 5.7 million people living within 64 demographically and geographically diverse counties. Colorado's 22 judicial districts received over 35,000 new domestic relations case filings in 2017, ranging from 143 to 5,999 filings per judicial district. Colorado experiences significant challenges in domestic relations. As in other states, this is an area of law dominated by self-representation, with one or both parties appearing without counsel in 56% to 83% of cases statewide. To assist in resolution of these cases, Colorado was one of the first states to establish rules for domestic relations intended to minimize negative impacts of adversarial litigation. Colorado Rule of Civil Procedure 16.2 promotes differentiated case management, with disclosure requirements, discovery and hearings tailored to the needs of each case and requires courts to actively manage cases by evaluating each at all stages to determine scheduling, resource, disclosure/discovery, and experts needs. The goal is just, timely and cost-effective court processes.

Triage Screening Tool, Case Tracks and Performance Management

The pilot jurisdictions worked together with NCSC and the State Court Administrator's Office to develop a Triage Screening Tool that provides judicial officers, family court facilitators and Self Represented Litigant Coordinators the ability to quickly assess needs of a case by placing each case on one of three "tracks." The participants indicated that the Tool was useful as designed and that it helped to introduce standardized considerations and a common language for managing cases most expeditiously. One magistrate noted that the Tool raised important questions for the cases marked as high-risk and high-need, indicating that her district would continue to use the Tool, cognizant of the resources needed to resolve the most challenging cases.

- The "Fast Track," or "Green Track," would serve parties who fit criteria for quick case resolution, including an existing decision making or parenting time agreement, a pre- or post-marital agreement, or an obvious, workable solution, among other characteristics.
- The "Yellow Track" are those cases that are neither ready or destined for a contested trial yet lacking an immediate solution or requiring some higher level of individualized assistance to manage cases.
- The "Red Track" includes cases needing immediate court intervention, such as allegations of parental substance abuse, domestic violence.



Analysis of cases with a track selection during the 3-month pilot period indicated:

- 75% of cases were assigned to a Green track
- 14.5% were assigned to a Yellow track
- 5.1% were assigned to a Red track
- 2.7 % were assigned to Green/Yellow track
- 2.7% were assigned to Yellow/Red track

The Colorado State Court Administrator's Office designed a "dashboard" to measure performance for domestic relations case processing, showing time to disposition, active pending caseload and frequency of hearings pre- and post-adjudication, proxy measures for complexity and conflict.

Focus Groups Feedback

Participants agreed that the Triage Tool provided value. As one district representative indicated:

"We were already triaging cases before. However, this could be a helpful tool for judicial districts implementing new triage processes... This is a uniform way [of analyzing cases] that could be perfected."

Participants in project locations also noted:

- The Screening Tool doubled the time required to prepare cases but prompted a closer look at internal court processes and their effectiveness.
- The Tool added less value in cases in which both parties had counsel and it was early in the life of the case.
- Adding the track selection at the bottom of the Tool to clearly reflect the case track determination would improve the design of the Tool.
- A collaborative process consisting of judges, magistrates, and Self-Help Centers would be most effective approach to refining the Tool.

Positive Preliminary Findings

The three-month testing period was designed to test the viability of the Tool and processes and did not expect to present outcomes data. Even so, preliminary case management data as well as feedback provided by the pilot jurisdictions would indicate that the Tool offers promise.

These specific elements would help to move domestic relations triage forward:

1. Refine the Tools and Processes Developed

The protocols presented in this report can be further refined at a statewide level and can be adapted to suit the needs of other jurisdictions, inside and outside of Colorado. Pilot sites moved the conversation towards triage as they created tools, established a triage approach based on a standard set of principles, developed a training curriculum for triage, established consensus on a uniform system of monitoring cases, and tested it out, even showing some modest indicators of process improvement.

2. Keep Studying

For triage processes to expand statewide, the SCAO and local Best Practice Teams should continue collecting observations about the pilot and experimenting with the tools, collecting information from court users to understand how they perceive processes and regularly monitor case processing data.

3. Continue to Discuss Triage and Domestic Violence

More discussion is needed on the role of triage screening tool in cases involving allegations and substantiated domestic violence.

4. Review Pilot Cases in 6-9 Months

Colorado's jurisdictional 91 day waiting period for resolution of dissolution of marriage limits the court's ability to fast track cases and limits the usefulness of data collected during the pilot project. A longer testing period for the Triage Screening Tool would be favorable to gather data that could be more informative than the limited comparative value of data presented for three months during the pilot program. Colorado has historical data measuring time to disposition for all case types. Going forward, Colorado can compare this data to ensure that any case management changes made (for example, a rule encouraging trial) would support and not hinder time to disposition. Measuring the Age of Active Pending Caseload (number of days from filing until the time of measurement) will help Colorado monitor at what stage cases may be stalling and may need intervention to progress through the system. Applied on an ongoing basis to domestic relations cases, this measure will also reveal the accuracy of identifying cases according to conflict and complexity. In addition to these measures, Colorado courts should continue to monitor complexity by the number of events (e.g., hearings or status conferences) required to resolve the case from filing to disposition as well as the number of events post-decree. Over time, these counts will show whether triage processes are helping families get to resolution with less court visits pre- and post-decree.

5. Consider How to Develop Court Responses according to Tracks

Sites using the Triage Screening Tool should develop accurate case ratings on the assessment tool to facilitate distinguishing what kind of case warrant each individual kinds of treatment. Consistent understanding of the issues used in the Screening Tool can be achieved through continued communication, testing over time and taking into consideration the party perspective. As judicial districts consider Tracks as part of their decision-making process, they will also need to consider what services (mediation, evaluation, case management) should be prioritized according to the Tracks. Courts may also need to identify additional resources to resolve the most challenging cases.

6. Develop Training for Triage Statewide

Continued efforts to establish a usable Triage Screening Tool throughout Colorado will need to involve building on the workshops and tools established during this project. Based on the lessons learned from this pilot project, and the constant development process needed for the creation of a useful triage tool, setting up appropriate change management procedures for domestic relations staff to embrace changes related to the implementation of the Tool will be vital.