SHELBY COUNTY BOARD OF COMMISSIONERS
AGENDA ROUTE SHEET

Referred to Commission Committee (name) Legislative

For Commission Action on (date) December 17, 2008

RESOLUTION BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, REQUESTING THE MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY SUPPORT LEGISLATION RELATIVE TO CREATING A UNIFIED FAMILY COURT PILOT PROGRAM. SPONSORED BY COMMISSIONER MIKE CARPENTER.

CHECK ALL THAT APPLY BELOW:

__X__ This Action does NOT require expenditure of funds.

_____ This Item requires/approves expenditure of funds as follows (complete all that apply):

County General Funds: $_____: County CIP Funds: $_____

State Grant Funds: $_____: State Gas Tax Funds: $_____

Federal Grant Funds: $_____

Other funds (Specify source and amount): $_____

Other pass-thru funds (Specify source and amount): $ _____

Originating Department: Community Services

APPROVAL:

	(Type your name & phone #.)	(Initials)	(Date)
Dept. Head:			
Elected Official:			
Division Director:	Dottie Jones		12/09/08
CIP – A&F Director:			
Finance Dept.:	Mike Swift	MAL	12/10/08
County Attorney:	Danny Presley		12-10-08
CAO/Mayor:	**James F. Huntzicker 545-4514**		12/10/08

ITEM NO: _____

PREPARED BY: Kimbra Toney-Bernard

APPROVED BY: _____

RESOLUTION BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, REQUESTING THE MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY SUPPORT LEGISLATION RELATIVE TO CREATING A UNIFIED FAMILY COURT PILOT PROGRAM. SPONSORED BY COMMISSIONER MIKE CARPENTER.

WHEREAS, a unified family court is defined by the American Bar Association as a single court system with specially-trained judges that address legal, social and emotional issues in a holistic way with linkage to social services and resources from a case management team, to provide a user-friendly environment which better addresses the needs of children and their families in a comprehensive manner; and

WHEREAS, the American Bar Association recommends, "The goal of a unified family court is to bring together as many jurisdictional bases as possible under the authority of one court, and should at a minimum hear matrimonial, domestic violence, child protection, family crisis, and juvenile delinquency cases"; and

WHEREAS, thirty-seven states and the District of Columbia have either a statewide family court, a jurisdictional family court, or family court pilot programs, and Tennessee is among 13 states with no unified family court effort; and

WHEREAS, the recent national momentum to create unified family courts has been in large part a result of the leadership of the American Bar Association and the National Council of Juvenile and Family Court Judges; and

WHEREAS, there are many families in Shelby County with multiple jurisdictional or legal needs who must navigate a fragmented court system; and

WHEREAS, the Juvenile Court Ad Hoc Committee of the Shelby County Commission recommended that a Unified Family Court Task Force be established because "the committee recognized that the 'current local fragmented court structure' fails to address the needs of families in crisis; and

WHEREAS, the Unified Family Court Task Force made recommendations to improve access to justice for Shelby County families and children, and one of those recommendations was to propose a pilot project for a unified family; and

WHEREAS, the Board of County Commissioners of Shelby County, Tennessee believes that it is appropriate that a resolution be passed requesting the Tennessee General Assembly to support legislation relative to creating unified family court pilot program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE that this Board, after careful consideration hereby requests the Shelby County Legislative Delegation and members of the Tennessee General Assembly enact legislation, a copy of which is attached hereto and made a part hereof, relative to creating a unified family court pilot program.

BE IT FURTHER RESOLVED, that the Shelby County Legislative Delegation and members of the Tennessee General Assembly be made aware of this request by copy of this resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, the public welfare requiring the same.

_____

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

_____

Clerk of County Commission

ADOPTED: _____

SUMMARY SHEET

I. Description of Item

This resolution requests the Tennessee General Assembly support legislation relative to creating a Unified Family Court Pilot Program. A unified family court is defined by the American Bar Association as a single court system with specially-trained judges that address legal, social and emotional issues in a holistic way with linkage to social services and resources from a case management team, to provide a user-friendly environment which better addresses the needs of children and their families in a comprehensive manner. Currently thirty-seven states and the District of Columbia have a statewide family court, a jurisdictional family court, or family court pilot programs, and Tennessee is among 13 states with no unified family court effort. The recent national momentum to create unified family courts has been in large part a result of the leadership of the American Bar Association and the National Council of Juvenile and Family Court Judges. There are many families in Shelby County with multiple jurisdictional or legal needs who must navigate a fragmented court system. The Unified Family Court Task Force, which was established upon recommendation of the Juvenile Court Ad Hoc Committee, made a recommendation to propose a pilot project for a unified family court.

II. Source and Amount of Funding

Not applicable.

III. Contract Items

Not applicable.

IV. Additional Information Relevant to Approval of this Item

Text of proposed legislation is attached.

AN ACT to amend Tennessee Code Annotated relative to creating a Unified Family Court Pilot Program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION ONE: Any county may create a unified family court pilot program if approved by a majority vote of the county legislative body.

(1) One court may be selected to serve as a pilot for the unified family court by the county legislative body or may be selected through a request for proposal process and shall be established for a period of twenty-four (24) months from the date the county legislative body approves the unified family court plan.

(2) The county legislative body shall establish a Family Court Steering Committee for development and implementation of the pilot program. The members of the family court steering committee shall be appointed by the county mayor and approved by the county legislative body and shall serve during the time of the unified family court pilot court program. The members of the family court steering committee shall include the following:

(a) one (1) member from the county legislative body;

(b) one (1) member from the county district attorney's office;

(c) one (1) family law attorney;

(d) one (1) member from the county mayor's administration;

(e) one (1) member from a local domestic violence advocacy organization;

(f) one (1) member from the court with jurisdiction over juvenile matters for the county;

(g) one (1) member from the Administrative Office of the Courts;

(h) one (1) member from a local social services agency; and

(i) four (4) citizen members.

(3) The family court steering committee shall develop and submit to the county legislative body a plan for the unified family court pilot program for review and approval. Said plan should specify if the

court is to be selected to serve as a pilot for the unified family court by the county legislative body or through a request for proposal process.

(4) If the court is to be selected as a pilot court through a request for proposal process, the family court steering committee shall adopt policies and procedures regarding the submission and evaluation of such proposal which shall set out, at a minimum, the form and contents of the submission, the recommended date for submission, and internal procedures for developing recommendations regarding proposals. The family court steering committee shall make copies of its policies and procedures regarding submissions available upon request to members of the General Assembly, members of the judiciary, county governing authorities and the public.

(5) Upon selection as the pilot court for the unified family court program, the judge of said court will become a full member of the family court steering committee.

(6) The court chosen as the unified family court has and may exercise the powers and duties possessed in relation to, and has and may exercise exclusive jurisdiction in relation to, proceedings in the following matters taken in the judicial area, other than by way of appeal:

(a) dependency and neglect of juvenile [T.C.A. § 37-1-103(a)(1)];

(b) delinquent and unruly juveniles [T.C.A. § 37-1-103(a)(1)];

(c) violation of parental responsibilities [T.C.A. § 37-1-103(a)(6)];

(d) contributing to delinquency or unruly conduct of minors [concurrent jurisdiction with general sessions court; T.C.A. §§ 37-1-104(b); 37-1-156(b)];

(e) child out of wedlock – paternity, custody, visitation, support, education., other issues of care and control [T.C.A. § 37-1-104(f)];

(f) order and enforce child support [T.C.A. § 37-1-104(d); federal regulations (Title IV-D)];

(g) child custody [concurrent jurisdiction with probate court; T.C.A. § 37-1-104(a)(2)];

(h) appointment of guardian [concurrent jurisdiction with probate court; T.C.A. § 37-1-104(a)(2)];

(i) termination of parental guardian rights [concurrent jurisdiction with circuit and chancery courts [T.C.A. § 37-1-104(c)];

(j) commitments [T.C.A. § 33-3-602];

(k) domestic relations- divorce, adoption [T.C.A. § 16-11-110]

(l) child support, alimony [T.C.A. § 36-5-101];

(m) child custody, visitation [T.C.A. § 36-6-101, 216];

(n) termination of parental or guardianship rights [T.C.A. § 36-1-113(a)];

(o) appointment and removal of guardians [T.C.A. § 16-11-109];

(p) orders of protection [T.C.A. § 3-36-605];

(q) limited misdemeanor criminal charges;

(r) action to recover personal property [T.C.A. § 16-15-202];

(s) forcible entry and detainer [T.C.A. § 29-18-107];

(t) guardianships [T.C.A. § 34-2-101];

(u) conservatorships [T.C.A. § 34-3-101];

(v) wills and estates [T.C.A. §§ 32-2-101 and 30-1-102]; and

(w) those other matters that are provided by or under an Act to be within the jurisdiction of the unified family court.

(7) The pilot program shall include:

(a) Unified family court judicial officers, who volunteer for the program, and meet training requirements established by the family court steering committee;

(b) Case management practices that provide a flexible response to the diverse court-related needs of families involved in multiple areas of the justice system. Case management practices should result in a reduction in process redundancies and an efficient use of time and resources, and create a system enabling multiple case type resolution by one judicial officer or judicial team;

(c) A court facilitator to provide assistance to parties with matters before the unified family court; and

(d) An emphasis on providing nonadversarial methods of dispute resolution such as a settlement conference, evaluative medication by attorney mediators, and facilitative mediation by nonattorney mediators.

(8) The family court steering committee shall publish and disseminate a listing of definitions of nonadversarial methods of dispute resolutions so that court officials, practitioners, and users can choose the most appropriate process for the matter at hand.

(9) The county legislative body shall provide to the judicial districts selected for the pilot program the computer resources needed by each judicial district to implement the unified family court pilot program.

(10) The family court steering committee shall select an entity to conduct an independent study of the pilot program measuring improvements in the judicial system's response to family involvement in the judicial system. The study shall include the county's evaluation of the feasibility and results obtained based on recommendations and minimum standards included in the unified family court plan. The family court steering committee shall report preliminary findings and final results of the study to the governor, the chief justice of the supreme court, the legislature, and the county legislative body on an annual basis. The initial report is due one year after the selection of the court and annually thereafter until the dissolution of the pilot program.

SECTION TWO: The judge of the court chosen to conduct the unified family court pilot program shall adopt local court rules directing the program. The local court rules shall comply with the criteria established by the family court steering committee and shall include:

(1) A requirement that all judicial officers hearing cases in unified family court:

(a) Complete an initial training program including the topic areas of childhood development, domestic violence, cultural awareness, child abuse and neglect, chemical dependency, and mental illness; and

(b) Subsequent to the training in (a) of this subsection, annually attend a minimum of (8) hours of continuing education of pertinence to the unified family court;

(2) Case management that is based on the practice of one judge or judicial team handling all matters relating to a family;

(3) An emphasis on coordinating or consolidating, to the extent possible, all cases before the unified family court relating to a family; and

(4) Program that provides for record confidentiality to protect the confidentiality of court records in accordance with the law. However law enforcement agencies shall have access to the records to the extent permissible under law.

SECTION THREE: This act shall take effect upon becoming a law, the public welfare requiring it; provided that the provisions of this act shall sunset effective July 1, 2013, unless reenacted or extended by the general assembly prior to that date.