



# Hennepin County

## Site Profile



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# The Family Court Enhancement Project

The Family Court Enhancement Project (FCEP), an initiative funded by the U.S. Department of Justice, Office on Violence Against Women (OVW), is a multi-year demonstration initiative designed to build the capacity of court systems and partner stakeholders to improve child custody decision-making in cases involving domestic violence. Four project sites have engaged in assessing and strengthening their response to domestic violence in custody cases: Cook County, Illinois (Chicago), the State of Delaware (all three counties), Hennepin County, Minnesota (Minneapolis), and Multnomah County, Oregon (Portland).

The National Council of Juvenile and Family Court Judges (NCJFCJ) is responsible for coordinating technical assistance (TA) provision to the four sites through dedicated TA teams composed of representatives from each of the project's National Partner organizations: the NCJFCJ, the Center for Court Innovation (CCI), the Battered Women's Justice Project (BWJP), and OVW. Specifically, TA teams are helping these court systems determine how their procedures, practices, and structures related to custody and parenting time can reduce further violence and trauma and enhance victim and child resilience and well-being.

The FCEP enabled the project sites to explore, implement, and assess new and innovative court and non-court procedures and practices designed to improve custody and parenting time decision-making and overcome existing barriers identified during the assessment phase of the project. One important objective of the FCEP, as a demonstration initiative, is to share lessons learned and experiences and outcomes with other communities so that they can benefit from the focused work at each project site.

This document is one of four site profiles, summarizing the challenges identified by each site, the activities designed to address those challenges, and the impact the FCEP has had on each community.

## Development Questions

**1 Please provide a short description of your court, including any relevant statistics, descriptions of your previous handling of domestic violence cases, data, number and type of cases, etc.**

The Fourth Judicial District of Minnesota ("the District") serves Hennepin County, the State's largest county, including Minneapolis and 44 surrounding suburbs. The District is divided into several court divisions including a distinct Family Court with 9 judges, 6 referees, and 5 child support magistrates. Family Court handles dissolution, domestic abuse, custody and parenting time, child support, contempt, and paternity proceedings.

In 2015, Family Court handled approximately 10,000 cases. Approximate percentages for the most predominant types of family court proceedings are as follows:

- Marriage dissolution cases with children: 16%
- Civil domestic abuse: 27%
- Custody and parenting time: 7%
- Paternity: 10%
- Child support establishment: 18%

The above figures represent an overall increase in family court cases of 2% from 2014, but a combined increase in dissolutions with children,

custody and parenting time, and domestic abuse cases of approximately 30%. The current average open (pre-disposition) caseload for each family court judicial officer is 86 and the current average re-opened (post-disposition) caseload is 39.

Approximately 1.2 million people (22%) of Minnesota's total population reside in the District. The District also has the largest urban Native population in the State of Minnesota. Minnesota has 11 federally recognized tribes.

## 2

**Describe the problems or challenges you chose to work on during the project as identified during the planning phase of the project. Please also discuss how you came to identify those as the challenges you wanted to address during the project.**

We identified four challenge areas to focus our efforts during the project implementation period. The first challenge area focuses on family court practitioners, specifically Judicial Officers, Guardians ad Litem, Family Court Services staff (mediators/ Early Neutral Evaluation (ENE) providers), private mediators/alternative dispute resolution (ADR) providers, Self Help Center staff, family law attorneys, and advocates, who handle child custody and parenting time cases, and who, we determined, inconsistently identify domestic violence, assess its nature, context, and implications for parenting, and account for the abuse in their actions and decisions.

The second challenge area addresses the issue that parties are often encouraged to participate in ENE or other ADR processes in family court proceedings and may feel pressured to participate in an ADR process and/or settle custody and parenting time disputes in those processes even when the proposed or agreed-upon parenting

arrangements do not account for domestic violence and its implications for parenting.

The third challenge area focuses on domestic violence survivors' lack of representation, advocacy, and information that would allow them to access the relief they and their children need from family court.

The fourth challenge area addresses the issue that Native American survivors of domestic violence do not seek access to family court to protect their safety and the safety of their children, nor do they seek relief regarding their custody and parenting time issues.

During the planning phase of the FCEP, we held focused roundtable discussions that consisted of both survivors and practitioners. We also conducted surveys of family court judicial officers and private attorneys. We created a Collaborative Workgroup that consists of all the practitioners that participate in family court.

### **3 Describe the steps you took as a court to address the problems or challenges you identified. For example, did you create new positions, change practice, complete studies, change structures, etc.?**

Subcommittees were created for each challenge area, and the work of those subcommittees informs the Management Team as the team develops strategic approaches to implement both short- and long-term changes in family court and in the work of our family court business partners and practitioners. Key steps that we took in each challenge area are summarized below.

**Challenge Area #1:** On January 4, 2016, the Fourth Judicial District created and implemented a Domestic Abuse Child-Related Relief pilot calendar (hereinafter "DR calendar"). The purpose of the DR calendar

is to provide comprehensive judicial review for child-related relief in the form of appropriate custody and parenting time arrangements, child support, programming and treatment, and developing best practices that can be applied in all family court cases. Five specially trained judicial officers are assigned to the calendar on a rotating basis. The Fourth Judicial District entered a partnership with Central Minnesota Legal Services (CMLS) to provide free legal services to survivors. Three CMLS attorneys and two support staff consult with every party that is a victim of domestic abuse that requests their services the day of their hearing. Attorneys may represent the party in their domestic abuse proceeding as well as a related family court case. The philosophy of the DR calendar is to assign domestic abuse and related family court cases to one judicial officer. Currently five judicial officers hear the DR calendar. Review hearings are an important part of the DR calendar. Given the infancy of the DR calendar, initial review hearings to assess compliance with treatment and/or programming requirements and review hearings on the expansion of parenting time and transitions from supervised to unsupervised parenting time are just now being held. The gathering of data to assess the DR calendar is also in its infancy.

Subcommittee 1, with the help of Central Minnesota Legal Services, revised the Fourth Judicial District's Initial Case Management Conference (ICMC) data sheet to allow parties more opportunities to disclose issues of domestic violence.

Ongoing trainings have also been a critical component in addressing the first challenge area. In conjunction with the Battered Women's Justice Project (BWJP), the FCEP provides a comprehensive training on domestic violence to all new judicial officers assigned to Family Court. Current judicial officers have completed the National Judicial Institute on Domestic Violence, Enhancing Judicial Skills in Domestic Violence Cases Workshop.

**Challenge Area #2:** Subcommittee 2 in collaboration with Subcommittee 1 developed an Early Neutral Evaluation (ENE) description. This document is mailed with the ICMC data sheet and Notice of Case Assignment when a case is opened. The goal of the document is to provide information about the options that will be presented to parties at their first appearance before a judicial officer in family court.

The subcommittee tasked with addressing this goal has been evaluating current screening practices by ADR providers and the family law bar. The subcommittee will develop a universal practice guide to be distributed to all ADR providers, Family Court Services employees, and the family law bar.

The subcommittee is also in the process of determining appropriate training curricula and venues for ADR providers and family law attorneys.

**Challenge Area #3:** A critical component of Challenge Area #3 is the District's partnership with CMLS as detailed above. Services provided by CMLS have never been provided to victims of domestic violence in the District until the FCEP. Survivors of domestic abuse are able to request to speak with an attorney for free before their hearing. CMLS does not impose their income requirements on domestic abuse proceedings involving child-related relief.

Ongoing trainings for advocates have been central to the third challenge area. Since January 2016, various partners have led training sessions for all advocates. Advocates have received training from judicial officers, county attorneys, private attorneys, and the Battered Women's Justice Project. Trainings specific to family court and civil orders for protection have allowed agencies to send advocates to support victims in family court.

**Challenge Area #4:** The District hired a Tribal/State Court Liaison (“Liaison”) in October 2015 funded by the initial FCEP grant. The Liaison serves as the point of contact and fosters relationships between urban Tribal government offices, Native-led domestic abuse service providers, the Native community, and Family Court. The Liaison works to identify barriers in Native survivors' use of Family Court and provides the Management Team with strategies to overcome these barriers. The Liaison also provides community education presentations on topics related to domestic violence and family court processes and provides cultural education to service providers. The Liaison will continue to build trust and rapport within the community, analyze and address systemic disparities found in family court, and develop culturally specific curricula and materials to provide educational services in the Native community and to family court practitioners. These activities will sustain practical shifts in Family Court beyond the fund cycle by rooting long-term relational trust with Native stakeholders and community.

**4 Describe the successes you have experienced as a result of your participation in the Project. How did your work help improve your court’s handling of domestic violence cases in which custody and visitation decisions are made? Did your changes improve the lives or experiences of victims and their children, improve safety, etc.? Provide real-life examples of your success.**

The project remains in its early stages as it requires significant system changes to be successful. Data collection along with continued and consistent training will be some of the ways we monitor our success. Since implementation of the DR calendar, judicial officers continue to identify processes and procedures to create consistent policies for

handling cases involving domestic violence. Policy and procedures will be communicated to the family court bench to implement in their family court cases.

While the project remains in its infancy, examples of the impact are beginning to emerge. For example, more advocates are appearing in civil order for protection hearings. We have received feedback from members of our Collaborative Workgroup that indicate the project has increased the awareness of domestic abuse as it relates to families in conflict and that there has been momentum in the community that needs to continue. Other members have indicated that it has made them more aware of potential domestic abuse issues and to investigate more deeply at the beginning of the case.

The five assigned judicial officers are also noticing a difference. Manual reviews of cases heard on the DR Pilot calendar reveal that judicial officers are ordering more relief as requested by petitioners. In particular, judicial officers are addressing temporary custody and parenting time, temporary child support, and programming at hearings. Judicial officers are requiring accountability from respondents by setting review hearings requiring respondents to demonstrate compliance with programming. Prior to the implementation of the DR calendar, judicial officers were not addressing child-related relief. In a survey issued prior to the DR calendar, a majority of judicial officers did not order parenting time or financial relief even if requested.

Parties and Guardians ad Litem have also expressed the importance of having the same judicial officer and Guardian ad Litem assigned to both the domestic abuse matter and the family court matter involving the same party.

# 5

**What data did you collect or seek to collect as part of the project? What have you done with the data or what do you plan to do with the data as you reach the end of the project? Was data collection helpful? What challenges did you come across when trying to collect or analyze your data?**

We collect two forms of data. The State Judicial Council granted permission for the FCEP to gather race data in domestic abuse proceedings for the period of the grant. We have been collecting this data manually since July 2015 and will continue to collect the data through the end of the current grant period. Manual collection poses a particular challenge due to the time commitment. Currently the Project Coordinator is responsible for collection of race data. The Liaison and the District's Research and Business Practices Division will analyze the data to identify systemic disparities and measure outcomes of our efforts. The data collection has provides insight into the number of self-identified Native petitioners accessing family court for civil orders for protection. We are able to monitor any increase or decrease in petitioners accessing family court. In the future, the Liaison and the District's Research and Business Practices Division will present the Management Team with their findings and recommendations to address any disparities. The Management Team recently recognized a discrepancy in the that MNCIS, Minnesota's case management system, does not specifically identify "Native American" as a race option which, in turn, does not allow for accurate data collection. The team is currently investigating this situation and plans to work with the Research and Business Practices Division to remedy the discrepancy.

The Project Coordinator also manually collects case specific data, including relief requested in the petition for an order for protection and relief granted in the order for protection. Review hearings and Guardian ad Litem appearances and/or appointments are also

monitored. We also track the outcome of the hearing including whether the petition was granted with an order for protection, if the matter was dismissed, and if the ex parte order for protection was amended. This data is currently collected for reporting purposes.

## 6

### **What obstacles did you experience as a court working to change practice or create change? How did you deal with those challenges?**

One of the first challenges our site faced was engaging practitioners in the conversation of domestic violence in their work and for their dedicated participation in the FCEP. Practitioners in the family law community are willing to engage in conversation about current practices, but only a select few leaders were willing to engage in a discussion about bettering practices and donating their time to ensure the spirit and goals of the project were disseminated in the community.

## 7

### **What were some of the most challenging aspects of being a FCEP court?**

A challenge we are currently facing is sustainability. In many ways, the work we seek to accomplish is in the beginning phases. We are seeking to implement significant system change among practitioners and the bench which take more than three years to accomplish. A resulting challenge is to efficiently document and track our work so that it can be used in other communities.

# 8

## **Describe how the assistance of national TA providers helped your work.**

The national technical assistance providers have been instrumental in implementing and aiding our work.

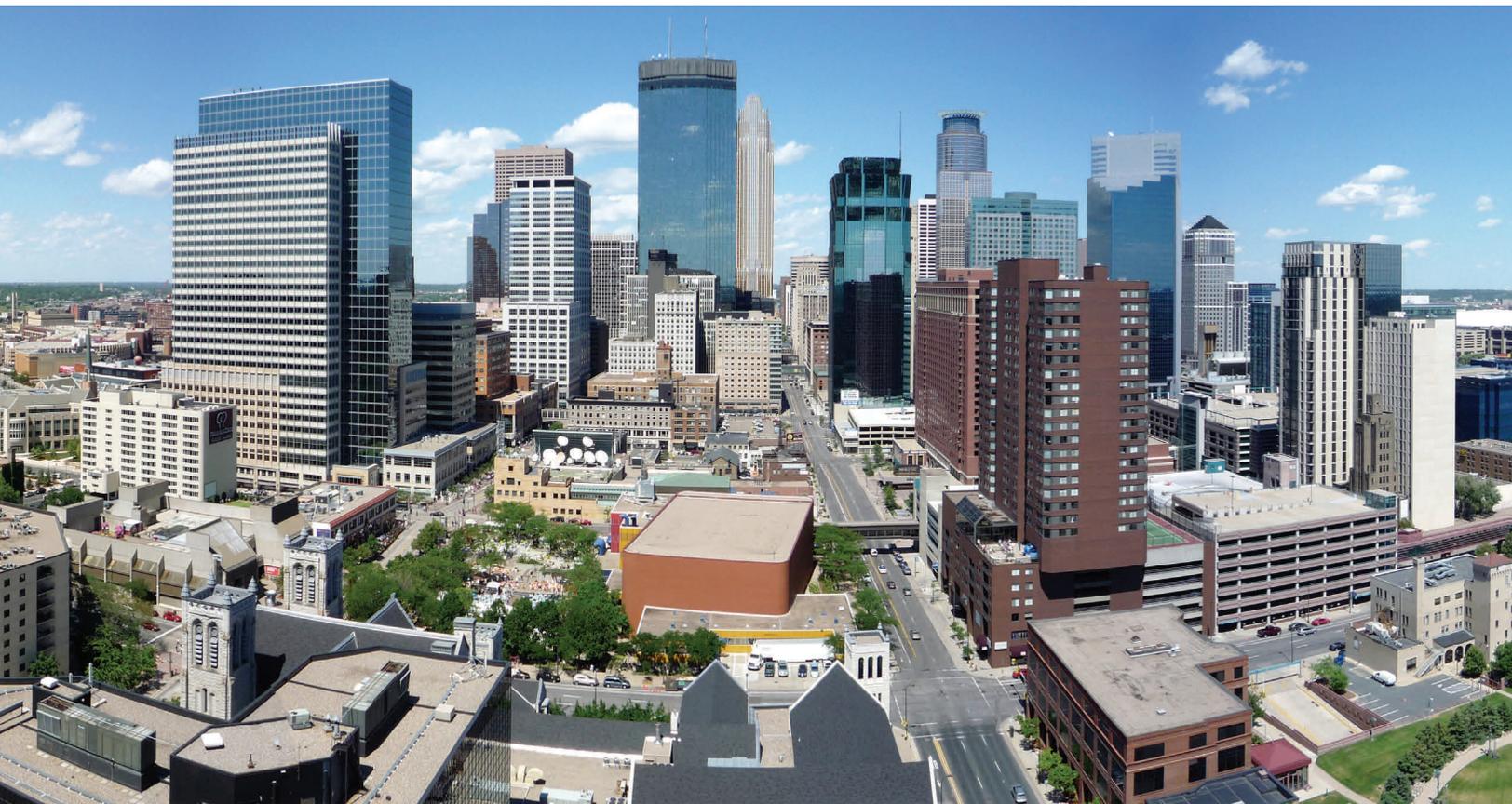
The Battered Women's Justice Project four-part custody framework informed our challenge areas as well as provided the basis for many of our trainings in the community. Loretta Frederick from the Battered Women's Justice Project has been very helpful in the implementation of the project. She leads comprehensive half-day trainings for new family court judicial officers. She has also led a training with a legal aid attorney to advocates in the community. She has also been key in facilitating discussions in Management Team meetings to provoke ideas for system change. Her expertise in domestic violence guides system changes to appropriately account for domestic violence.

The Center for Court Innovation has provided guidance in our court's administrative reform and structure. Liberty Aldrich played a key role in advising Subcommittee 1 about their revisions to the ICMC data sheet as well as Subcommittee 2 about their ENE description document. Ms. Aldrich also played a role in the planning phase of the child-related relief (DR) pilot calendar. She plays an active role in our Management Team meetings in discussions regarding procedural fairness and administrative changes.

# 9

## **What aspect(s) of your participation in the Project do you believe should be highlighted in detail on the website for other courts?**

We believe our work in the Native community should be highlighted as well as the implementation of our pilot calendar. Our Project site has also worked extremely hard to engage all family court practitioners, including judicial officers, private and publically funded family law attorneys, Guardians ad Litem, mental health evaluators, private and publically funded ADR providers, advocates, and Self Help Center staff. Individuals in each of these areas are part of our Management Team and Collaborative Workgroup and are key in engaging the community in discussions of accounting for domestic violence in custody and parenting time issues. Without their commitment to the FCEP, we would not be as successful.





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